



Notice of a public meeting of Planning Committee

- To:** Councillors D Myers, Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas and Fisher
- Date:** Thursday, 7 January 2021
- Time:** 4.30 pm
- Venue:** Remote Meeting

AGENDA

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 1 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 12 November 2020.

3. **Public Participation**

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

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the

management of public participation at remote meetings. The deadline for registering at this meeting is at 5.00pm on Tuesday 5 January 2021.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

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

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

a) St Georges Field Car Park, Tower Street, York [19/02063/FULM]
(Pages 13 - 98)

Erection of 5 level multi-storey car park with canopy to roof to provide 372 no. car parking spaces, demolition of public toilet, revised highway access and associated landscaping works [Fishergate Ward]

b) Whitehall Grange, Wigginton Road, York [20/01479/FUL] (Pages 99 - 132)

Erection of a temporary, single-storey, office building for a period of five years and recladding of an existing barn to form an attached entrance pavilion. The temporary office building would measure approximately 60m x 12.3m and would be used in connection with the applicant's phased occupation of 10 hectares of predominantly grazing land following the company's relocation from elsewhere in York, mainly York Central which is now a major redevelopment site [Rawcliffe And Clifton Without Ward]

c) North Selby Mine, New Road, Deighton, York [20/01546/FUL] (Pages 133 - 168)

Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year [Wheldrake Ward]

5. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.


我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Planning Committee
Date	12 November 2020
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, Daubeney, Douglas, Fenton, Fitzpatrick, Hollyer, Warters, Lomas, Fisher, Craghill (Substitute for Cllr D'Agorne), Perrett (Substitute for Cllr Kilbane) and Rowley (Substitute for Cllr Doughty)
Apologies	Councillors D'Agorne, Doughty and Kilbane

72. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Pavlovic, on behalf of the Labour Group, noted that although the Labour Party had objected to the application, no Members of the Committee had predetermined the application. Cllr Craghill noted that although the Green Party had objected to the application, no Members of the Committee had predetermined the application. Cllr Rowley noted that a Conservative colleague had objected, he too had not predetermined the application

73. Minutes

Resolved: That the minutes of the meeting held on 13 August 2020 be approved and then signed by the chair as a correct record at a later date.

74. Public Participation

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

75. Plans List

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

76. York Central, Leeman Road, York [20/00710/REMM]

Members considered a Major Reserved Matters Application from Homes England, Network Rail Infrastructure Ltd and City of York Council for layout, scale, appearance, landscaping and access for the construction of the primary vehicle route and associated roads, infrastructure, landscaping and alterations to the existing road network pursuant to outline planning permission 18/01884/OUTM at York Central Leeman Road York.

The Assistant Director Planning and Public Protection noted that this was the first reserved matters application to be presented to the Committee following the outline planning permission in March 2019. He explained that many of the issues raised by objectors, including highways, were addressed as part of the outline planning permission and were not for debate at the meeting, which was for reserved matters.

The Head of Development Services gave an update detailing further comments that had been received from Ainsty Internal Drainage Board, York Civic Trust, and additional comments from Yorkshire Water and Historic England. An update was given on an access, highways, sustainable transport, design, layout, appearance and landscaping and comments received from environmental protection. Members were advised that the additional comments had been taken into account and as a result the recommendation was unchanged from the published report.

The Head of Development Services then presented the application detailing the site location plan. This was followed by questions from the Committee to which officers clarified:

- Regarding the archaeological assessment, there had been several evaluations during the summer and the information for the deeper deposits in area 1 (Holgate Beck) was awaited. There had been some preliminary analysis and a mitigation strategy had been put together as part of the

archaeological management plan and there was a condition for this. It was confirmed that there was no organic paleo environmental evidence near the station in area 2.

- How archaeology was and had been recorded. Should any archaeology of national significance be found, preservation in situ would be undertaken
- What steps would be taken to mitigate the cycle lane width.
- That the process of the stopping up order for Leeman Road was a completely different process to planning, and this meeting was to solely to consider reserved matters.

[The meeting adjourned from 17:08 to 17:50]

Public speakers

Paul Clarke spoke in objection to the application noting that there had been two letters of support of the council website and sixty in objection. He explained that the proposal to make traffic through the Leeman road tunnel (Marble Arch) a traffic light controlled one way system would cause congestion was not in the interests of residents. He suggested a number of changes to traffic flow to address this. He also felt that the consultation was not carried out in good faith.

In response to questions raised by Members, he explained that the traffic on Leeman road was busy all day, and particularly during the morning and evening rush hours. With regard to consultation he noted that he had attended a number of informal consultation events.

Cllr Doughty spoke in objection. He noted that although York Central was excellent in terms of job creation, he to the one-way system through Leeman Road/Marble Arch Tunnel and suggested that there should be 24 hour access maintained through the redeveloped Railway Museum site for residents of the Leeman Road area.

Tom Fanklin (Chair of York Green Party) also spoke in objection. He noted that York Central was an excellent opportunity and needed to put people and sustainability at its core. This was a missed opportunity as it created a through route bringing traffic into the city centre. He requested that the Marble Arch tunnel be made into a bus only route.

David Nunns spoke in objection noting that the application made cyclists second rate and pedestrians third rate. He suggested that more needed to be done with Museum square, and also

that the bollard under Marble Arch were unsuitable. He suggested a number of changes to the road layout scheme, including a roundabout at the Leeman Road/Park Lane junction.

Kate Ravilious (York Cycle Campaign) spoke in objection concerning the cycling provision within the proposals. She expressed concern regarding the personal safety of crossing Severus Bridge due to its high parapets and she asked for the segregation of pedestrian and cycle lanes in a number of areas for safety reasons. She also asked for LTN 1/20 guidance to be applied to a number of areas.

Sean Bullick (MiY) spoke in support of the application. He explained that York Central had the potential to be a gateway to the northern economy and was the biggest economic opportunity in York since the arrival of the railways. He noted that it offered the opportunity for businesses to grow, was green and sustainable and could unlock growth and prosperity. He urged approval of the application.

Paul Kissack (Joseph Rowntree Housing Trust and Foundation) spoke in support of the development in providing much needed affordable housing, inclusive growth and focus on high design. He added that the development promised jobs through the construction phase and he hoped it would deliver apprenticeships and employment opportunities for people.

Andrew Digwood (York & North Yorkshire Chamber of Commerce) spoke in support of the application as it would support sector growth in rail technology and digital industries. It would also create infrastructure to other areas such Edinburgh, Glasgow and London. He added that York had a shortfall in housing and graduates left the city because of this. He noted that York Central was too great an opportunity to miss in creating occupational purpose. He was asked and explained the urgency of the application because of the pandemic and over reliance in the region on tourism to the economy and a need to diversify the economy.

James Farrar (York, North Yorkshire and East Riding LEP), spoke in support, explaining that this was one of the most significant brownfield sites in the UK. He noted that not developing the site would send a negative message out and York should be one of the innovation centres in the UK with a need to allow businesses to cluster together. He further noted

that York Central was in a national enterprise zone, meaning its business rates would remain in York rather than the government. He noted that the development would help York recover from COVID-19.

[The Chair asked Cllr Rowley if he had missed any speaking as his camera had briefly gone off. Cllr Rowley noted that his camera cable had come out and he confirmed he heard everything.]

[The meeting adjourned from 18:35 to 18:41].

Andrew Lawson (York BID) spoke in support of the application. He explained that city centres in the UK were changing, and had been accelerated by COVID-19. He noted that York Central was a development opportunity that people wanted to be part of. He noted that York needed more grade A office space and that the development would send out the message that York is a place to invest. He added that it could be a catalyst for recovery.

Joan Concannon (University York) stated that the university supported the development. She noted that there was a need to harness the unique opportunity of York Central to bring new business to York and to drive the opportunity for inward investment in the city. She noted the university's status as a major employer in the city and where our research and broader engagement with the city would benefit enormously from York Central's development.

Ian Gray (York Central Project Director for Homes England and Network Rail) spoke in support on behalf of the applicants. He outlined the overall benefits of the scheme noting the inclusive sustainable residential and business development in the city. He noted that there had been £123million public investment confirmed for York Central and there would be further public and private sector investment would be attracted to the city. In response to Member questions, he confirmed that:

- Funding had been received in August. This was time limited. An update on the delivery of funding was given.
- If there was a 3 or 6 month delay on the application there may be contractor compensation costs to pay.

Niall Burke (ARUP) spoke in support on behalf of the applicants. He explained that the scheme would create a new gateway to York and would provide new routes, enhance sustainable travel,

and create a new foot and cycle bridge. He noted that the junctions were designed to prioritise cyclists and there was also a dedicated bus lane. He detailed the mitigation measures to the highway network and added that the proposal was fully compliant with the outline planning application. In answer to Member questions he explained:

- Why the constraints of Severus Bridge had led to condition 39 not being fully complied with.
- The reasons for the parapet heights.
- Why the pedestrian walkway was on the south side of Severus Bridge.

Ian Gray and Niall Burke were joined by a number of colleagues in answering questions from the Committee. They were asked and explained:

- That an alternative to the stopping up order had been looked at
- Regarding traffic congestion, there had been discussions with the highways authority on this. York had a high level of traffic and the scheme had sought to prioritise pedestrians and cyclists. An explanation of the rationale for the changes to Marble Arch was given.
- The partnership had committed to use high quality materials to set the tone for the development going forward.
- In Museum Square cycle segregation was provide along the boulevard.
- The mitigations that had been put in place to address the concerns of Royal Mail.
- The CEMP would include engagement in delivering the scheme safely and there would be ongoing dialogue between Royal Mail and the partnership.

Chris Jones (Avison Young) spoke in support on behalf of the applicants. He detailed the outlined planning application approved in 2019. He noted that he scheme would deliver 2500 affordable homes, 6500 high value jobs, and enhancement of the National Railway Museum and public realm.

A member expressed concern regarding the potential relocation of residents and impact of the public enquiry on the road closure and suggested that the application should be deferred until the stopping up order had been resolved.

[The meeting adjourned from 19:55 to 20:08]

The Senior Solicitor asked if whether the public enquiry was grounds for deferral and she advised that it was a separate statutory process and that the Committee had already given outline planning permission. Officers detailed the parameters of the application and were asked and clarified potential reasons for deferral.

Officers were then asked a number of further questions by Members. In response they clarified that:

- The potential relocation of residents was included in the CEMP and the CEMP was not part of the outline planning permission.
- The through road was part of the outline planning permission and the highways authority could review whether the through road could be restricted to certain elements at a later date.
- An informative on the appearance of bridges could be added.
- The applicants had detailed why they could not technically meet all LTN 1/20 guidelines
- The detail of the traffic management system included in the outline planning permission.
- All statutory duties had been met with regard to consultation.
- The council could be exposed to costs depending on what grounds refusal was given.

Cllr Warters moved and Cllr Pavlovic seconded, that the application be deferred.

[The meeting adjourned from 20:55 to 21:04]

Members debated the application, expressing a number of different views.

[At 21:10 Cllr Perrett's confirmed that her screen had frozen and Cllr Fenton repeated what he had said whilst her screen was frozen]

During debate, Members were advised by the Senior Solicitor that if they refused or deferred the application due to the stopping up order, this would not be a reason for the decision for the determination.

In accordance with the revised Standing Orders, a named vote for deferral of the application on the grounds of concerns regarding the CEMP, highways and pedestrians was taken with the following result:

- Cllrs Fitzpatrick, Lomas, Pavlovic, Perrett, Rowley and Warters voted for the motion;
- Cllrs Ayre, Barker, Craghill, Daubeney, Douglas, Fenton, Fisher, Hollyer, and Cullwick voted against the motion.

The motion was therefore lost. Cllr Ayre then moved and Cllr Fisher seconded approval of the application subject to the conditions outlined in the report and additional information, and informatives with regards looking at the specifics of the design of the bridge and additional sustainability measures. In accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Craghill, Daubeney, Douglas, Fenton, Fisher, Fitzpatrick, Hollyer, Pavlovic, Perrett, and Cullwick voted for the motion;
- Cllrs Lomas, Rowley and Warters voted against the motion.

The motion was therefore carried and it was

Resolved: That the application be approved subject to the conditions outlined in the report and additional information, and informatives with regards looking at the specifics of the design of the bridge and additional sustainability measures. A letter outlining the concerns of a number of Committee Members shall be sent out with the decision notice.

Reasons:

- 1) The principle of development of this site within the remits of the approved parameter plans and design guide was approved at outline stage. There has been a significant level of objection with respect to highways/transport and air quality issues in particular, however the Council are satisfied that the proposals accord with the technical reports and assessment undertaken and accepted by the Council as part of the outline approval OPA ES and that any outstanding issues can be addressed appropriately through the finished design and the discharge of relevant planning conditions.

- 2) With respect to heritage assets within the site and their setting, the setting of adjacent conservation areas and the impact on non-designated heritage assets, the proposals are not considered to result in adverse impacts and indeed in some areas would result in benefits to the heritage assets through enabling the re-use of buildings, opening up the site to enable heritage assets to be better appreciated and by improving their setting. The proposals are therefore considered acceptable and are in line with what was envisaged at outline stage. Given that the road alignment and site levels are within the approved limits of deviation, the proposals would at worst have a less than substantial impact on the setting and views of specific heritage assets outside the site, however this is balanced against the significant public benefits the scheme will bring forward and the fact that future reserved matters applications for buildings on the site would need to undertake a detailed assessment of their individual impacts when determining their position within development plots.
- 3) It is acknowledged that archaeological work is still ongoing however the Council's Archaeologist is satisfied that the approach to archaeological work and recording has been planned as far as possible at this stage in the development and that this will be an ongoing exercise. The proposals are therefore in accordance with the NPPF in so far as the less than substantial impacts identified to heritage assets have been balanced against the public benefits.
- 4) With respect to design, the reserved matters application is in large in compliance with the Design Guide and Parameters Plans approved at outline stage. Where there are deviations these are required due to site constraints or technical matters and as such are, on balance, considered acceptable design solutions which still meet the main objectives of the design intent. Any outstanding elements of the design such as

materials and landscaping which form a critical part of the design quality can be appropriately dealt with by discharge of conditions.

- 5) The application includes an appropriate update in terms of impacts on habitats and protected species within the site which remain in line with the OPA ES. It is acknowledged that the LEMP Condition needs to be discharged in a timely manner so as to ensure that any habitat retention, mitigation and enhancement remains in line with the OPA ES and that if further losses do occur that these can be secured through future RMAs. Overall having had regard to the above the proposals accord with the OPA ES and subject to the discharge of conditions will comply with the requirements of both local and national policy in terms of biodiversity and ecological mitigation and enhancement.
- 6) The Council are satisfied that the discharge of planning conditions attached at outline stage can provide the detail required to ensure that an appropriate drainage scheme is incorporated into the site and that there would be no additional impacts in terms of flood risk.
- 7) The proposals are considered to be in accordance with the OPA ES which accepted impacts with respect to air quality, noise and contamination subject to mitigation and a series of conditions to be discharged. It is noted that night time noise may be increased beyond what was anticipated at outline stage, however it is considered that there are sufficient measures in place through the discharge of Condition 15 (CEMP) and the Section 61 Agreement which has to be submitted to Public Protection in order to ensure that residents are appropriately protected and that there is no significant impacts on the environment.
- 8) Where there are conditions attached at outline stage which required approval of details prior to or

concurrently with the RMA and this has not been possible, discussions are ongoing and the Applicant is aware that these issues will need to be resolved to the satisfaction of the LPA prior to commencement on site. Subject to these conditions being satisfied the Council consider that the proposals accord with the Environmental Statement submitted at outline stage and following mitigation no additional impacts beyond those identified at outline stage should arise.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 9.57 pm].

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COMMITTEE REPORT

Date: 7 January 2021 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning Panel

Reference: 19/02063/FULM
Application at: St Georges Field Car Park Tower Street York
For: Erection of 5 level multi-storey car park with canopy to roof to provide 372 no. car parking spaces, demolition of public toilet, revised highway access and associated landscaping works
By: Mr Andy Kerr
Application Type: Major Full Application
Target Date: 30 November 2020
Recommendation: Approve

1.0 PROPOSAL

UPDATE

1.1 This application was reported to Committee on 19th November 2020 and deferred in order that further information could be provided in relation to (i) the parking need within this part of the city centre to inform the number of spaces proposed, (ii) the suitability of this location for disabled parking and (iii) clarification as to the traffic impacts on the pedestrian cycle route. In response the applicant has prepared a supporting document to address these issues, which is summarised as follows;

Justification of parking need

Under the approved masterplan, it was agreed that the number of parking spaces would reduce in this part of the city and those which remain will be in a more appropriate location. The closure of the Castle Mills car park removed 84 spaces from within the inner ring road (in addition to the loss of 105 spaces detailed in the report). The feedback received through the pre-application consultation process was very mixed in terms of car parking – many people wanted to see the removal of city centre provision but there was also a very strong voice for retaining or increasing provision. A further consideration for the council in taking the decision to close Castle car park is that it is also a significant source of revenue (£1.2 m each year) which is used to fund public

services. Not replacing this revenue stream, would have a significant impact on the ability to deliver these services or would require a council tax increase of 1% to allow a balanced budget.

Parking demand

An analysis of current car park usage data shows that at peak times and periods through the year, the car parks in the area are often nearing and sometimes reaching capacity. Bearing in mind these figures are predicated on the current provision of car parking, this justifies the provision the Council are proposing. Based on the 755 parking spaces currently operational in the Castle Gateway area, usage data shows there are 1,284 transactions (customers with vehicles) per day. This is in addition to disabled parking which is free and those with annual passes. In peak months, particularly in the run up to Christmas and school holidays, this increases to 1,615 transactions per day, meaning each space is on average used more than twice each day. Although the usage varies across the day and the week, this means that in the peak hours between 10am and 3pm and particularly at weekends the car parks are often nearing and sometimes reaching capacity. This is exacerbated by flooding at St George's Field, which is most likely to occur in the winter months and often forces the part or complete closure of the current surface level car park, reducing capacity and increasing demand on Castle Car Park and St George's Field.

The removal, without replacement, of Castle car park results in an overall loss of 180,000 parking transactions. The 372 space multi-storey car park falls just slightly short of being able to meet this demand. If a storey was removed from the MSCP this would result in losing 70,000 transactions.

This site was identified as the most appropriate site for car parking in the Castle Gateway area as:

- The site is located outside the inner ring road, which is consistent with the council motion to explore a car-free city centre.
- The site also has no other development use as it is functional flood plain, and should the demand for car parking reduce in the future, this is the car park that would be most likely to be retained.
- When the existing surface level car park floods, the car park cannot be used. However, through constructing the access road above flood levels will allow

the MSCP to continue to be used in times of flood, ensuring car parking provision is maintained in this part of the city.

- It is removed from the direct vicinity of the city's important heritage assets, yet still in an accessible location close by.

The clear brief given to the project to replace any lost car parking has had to be compromised and a quarter of spaces from pre-masterplan city centre car parking capacity has already been lost (including the loss of a storey from the building). The constraints of the site have limited the footprint and orientation of the car park and as a result, the car park is already an expensive building. If a further storey of the car park was removed, this would result in a loss of 78 spaces. Building a 4 level instead of a 5 level MSCP would mean each car parking space would cost £10,000 more due to a fewer number of spaces having to bear the cost of the foundations and substructures which are required regardless of the height of the building.

This is already a relatively small multi-storey car park, and it is the volume of spaces which achieves value for money and reduces the cost per space. Losing a storey would mean it would have less than 300 spaces, and that the cost per space would mean it is likely to be unviable to build. This would mean there is no replacement parking to allow the closure of Castle Car Park.

The suitability of this location for disabled parking

Through the My Castle Gateway project, and further public engagement with blue badge holders and disabled groups over the summer in relation to the new city centre footstreets, and through the commissioning of an independent review of York's disabled access offer that was undertaken by Disabled Motoring UK, the Castle Gateway team have a significant evidence base and understanding of the needs of disabled users. From that work, it is known that St George's Field is not the ideal location for disabled car parking for those visiting the city centre.

As part of the decisions over the future of the footstreets, the council are undertaking a strategic review of accessibility to the city centre in 2021, which will work with disabled groups to identify the best locations for blue badge parking and which car parks will be prioritised to have investment in improved quality of access in to the city centre. Given its location it is unlikely to be St George's Field, and as such, it is proposed to meet the minimum requirement

for disabled parking spaces in a multi-storey car park, which is 7% of the total spaces. However, should the review conclude that this is the right location, the number of disabled parking bays can be increased within the existing design.

Traffic impacts of the pedestrian cycle route

The design of the pedestrian and cycle route that runs to the north of the site and connects with the crossing over Tower Street is the result of extensive consultation with cycling groups with the preference expressed for a shared surface as opposed to a segregated route. Up to the access to the Foss Basin, the route is a 4m wide shared route. Due to the constraints on the site, including issues with levels and the existing retaining wall, at this point the route narrows to a 3m shared space. LTN 120 guidance recognises that in some circumstances, and as a result of constraints on site such as this, the guidance cannot always be met. We are confident that this is an appropriate response given the 3m width, that this will be a low pedestrian footfall route and given that the adjacent road is a short access route with limited vehicle numbers.

1.3 In the context of the additional information received, the Officer recommendation is still for approval with an amendment to Condition 33 requiring **details of an interim surfacing scheme for the Castle Car park (in line with** the text of the condition placed on the decision for the Castle Mills scheme), **an** additional condition relating to security at the site (Condition 34), together with additional drainage conditions (Conditions 35, 36 and 37) which reflect further comments made by the Council's Drainage Engineer (these comments were reported to Members via the Officer update at the November meeting).

THE SITE

1.1 The application site of St George's Field is a rough teardrop shaped area located at the confluence of the River Foss and River Ouse. Tower Street borders the site to the north, the Foss Basin is located immediately to the east of the site and the western boundary of the site is formed by New Walk, a tree lined riverside pedestrian route. The application site, which occupies an area of 1.4 hectares, is currently used for car and coach parking (150 and 27 spaces respectively) with a utility compound comprising a sewage pumping station and a public toilet. To the south of the site is the Foss Barrier flood defence.

1.2 The application site is in a sensitive location within the New Walk Terrace / Terry Avenue Conservation Area and the Area of Archaeological Importance. The land was originally gifted to York Corporation for use for public events and military (target) practice with the archaeology preserved below the surface including a Knights Templar Chapel and Mill complex.

1.3 The site is within Character Area 66 (Fishergate-River Ouse) and abuts Character Area 13 (The Castle area) as defined by the York Central Historic Core Conservation Area Appraisal (YCHCCA), which includes, in addition to Clifford's Tower and the castle remains, the following designated heritage assets: The Crown Court and railings, Grade I, Castle Museum and Debtors Prison, Grade I, and Castle Museum and Female Prison, Grade I.

THE PROPOSAL

1.4 The proposal involves the erection of a multi storey car park (MSCP) of ground floor and 4no parking decks to provide 372no car parking spaces with a surface coach park, landscaping and a shared pedestrian / cycle route connecting New Walk to Tower Street. Vehicular access to the car park would be from Tower Street with a two way access ramp taking vehicles over an existing flood wall with coach parking bays situated to the south of the site. Pedestrians would access the site from New Walk, which runs alongside the River Ouse, and there would also be a footpath on the western edge of the access road.

1.5 Of the 372no spaces, it is proposed to include 26 disabled parking bays (7% of the total) and 56 electrical charging points (15% of the total). The proposed building would have a flat deck layout with internal 1:10 ramp and a solar canopy on the top deck. The vehicular entrance to the car park would be at first floor level allowing the car park to be used in times of flood. The building would include 4no unisex public toilet facilities on the first floor - the existing public toilet has been demolished. The proposed development would include the retention of the existing coach park with the provision of 25 upgraded parking spaces. Bay sizing will be increased with capability for some bays to accommodate 15m length coaches.

1.6 The footprint of the proposed car park has been shaped by various constraints including the existence of a main sewer and outflow sewer running underneath the application site, the need to avoid the part of the site that is a Scheduled Ancient Monument, flood escape and flood-in-use (other than lowest levels) that dictates a

building location adjacent to higher ground, the need to maintain large vehicle (crane) access to the Foss barrier, planned improvements to the flood wall that runs across part of the site, mature trees along New Walk and the pumping station. In order to avoid the main sewer, a narrower footprint than that detailed in the York Castle Gateway Masterplan, is proposed. An agreement has been reached with Yorkshire Water to divert the outflow sewer.

1.7 The outcome of these constraints is a building with a body aligned roughly north, pointing towards the Eye of York, with the southern end tapered in order to realign with the direction of the river and leave a standoff distance from the mature trees that line New Walk. It consists of conventional flat car park decks linked by a central ramp. The building has a strong horizontal visual expression alternating between solid deck and open void, punctuated by vertical stair towers and an external stair. Terracotta tiles with a varied ribbed profile are detailed as the primary cladding material to the horizontal bands of the car park and would also be used as a cladding material to the external faces of the stair-cores and a small section of the first floor adjacent to the vehicular entrance. Green living walls are used as a secondary material to the horizontal bands at high level facing Tower Street and Skeldergate Bridge and on the main stair elevation. Corten sheet cladding is proposed to the feature staircase. The solar canopy on the deck would be supported by a steel frame.

COUNCIL'S MASTERPLAN CAR PARKING STRATEGY

1.8 The application is a key component of the York Castle Gateway Masterplan proposals, which were approved by the Council's Executive in 2018, the key objective of which is to relocate Castle car park away from the base of Clifford's Tower and provide a flexible area of high quality public realm.

1.9 The Design and Access Statement details the rationale for the Masterplan car parking strategy as follows:

- CYC will be closing Castle Car Park, a poor quality surface car park which surrounds and has a damaging impact on the setting of Clifford's Tower and the Eye of York.
- Castle Car Park currently generates the council a revenue of £1.2m which funds public services. Losing that revenue would result in either budget cuts or an increase in council tax.

- Consequently CYC are seeking to replace some of the lost car parking by building a new 370 space multi-storey car park (MSCP) at St/Georges Field.
- However this will still allow CYC to reduce the overall number of car parking in the area by 100 spaces and move car parking and associated traffic outside of the inner ring road.
- CYC need to replace some of the car parking to protect the revenue to the council and to ensure support for the masterplan from key city centre stakeholders.
- The new junction to allow access to the car park helps to create the new pedestrian/cycle super-crossing over the inner ring road.

REVIEW AT EXECUTIVE IN LIGHT OF IMPACT OF COVID-19

1.10 Having considered all options, the Executive have taken the decision to commit to the delivery of the Castle Gateway Masterplan and have reiterated their commitment to providing replacement car parking before the closure of Castle Car Park. However, due to the uncertainty created by Covid, the intention is to delay the procurement of a construction partner for the new multi-storey car park at St George's Field until next summer. This is to ensure that the full impact of Covid on car parking is known before committing to the next stage of expensive detail design.

1.11 In relation to the Executive decision and the replacement of the Castle Car Park with public realm, the applicant advises that detailed design of the public realm would be brought forward in to the first phase of development so that planning permission would be in place to create a shovel ready scheme. The applicant states that this would leave the council in the best position to secure any external funding that may become available through the government response to Covid-19, and give the Council the full funding for the world class public space to replace Castle Car Park. The applicant emphasises the point however that the closure of Castle Car Park remains dependent on the replacement car parking being provided.

CONSULTATION PRIOR TO SUBMISSION OF APPLICATION

1.12 A series of six public events were held at pre-application stage which included four drop-in exhibition and guided walks events and two workshop sessions. A Statement of Community Involvement detailing discussions and feedback from the events accompanies the application.

ENVIRONMENTAL IMPACT ASSESSMENT

1.13 The size of the site renders this proposal an “urban development project” which falls under Schedule 2 of the Environmental Impact Assessment Regulations 2017. Schedule 2 development is development of a size and scale which may require Environmental Impact Assessment (EIA) depending upon the potential specific impacts of the proposal. Part of the site also falls within a Scheduled Ancient Monument and as such the site meets the criteria of a Sensitive Area as defined by the EIA regulations.

1.14 The proposed development has been screened and it is concluded that the proposals are not likely to have a significant effect on the environment and / or are of a complexity such that the environmental impacts can be assessed through the planning application process rather than through requiring the preparation of an Environment Impact Assessment.

2.0 POLICY CONTEXT

Key Sections of the National Planning Policy Framework (“NPPF”)

Section 4 – Decision Making

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

Key relevant policies of the 2018 Publication Draft Local Plan

DP2 – Sustainable Development

DP3 – Sustainable Communities

SS1 – Delivering Sustainable Growth for York

SS3 – York City Centre

SS5 – Castle Gateway

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas

D6 – Archaeology

D7 – The Significance of Non Designated Heritage Assets

ENV1 – Air Quality

ENV2 – Managing Environmental Quality

ENV4 – Flood Risk

ENV5 – Sustainable Drainage

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

T8 – Demand Management

Relevant policies of the 2005 Draft Development Control Local Plan

SP3 – Safeguarding the Historic Character and Setting of York

SP7B – York City Centre and Central Shopping Area

GP1 – Design

GP3 – Planning against crime

GP4A – Sustainability

GP4B – Air Quality

GP9 – Landscaping

GP15A – Development and Flood Risk

T2B – Proposed Pedestrian / Cycle Networks

NE2 – River and Stream Corridors

HE2 – Development in Historic Locations

HE3 – Conservation Areas

HE9 – Scheduled Ancient Monuments

HE10 - Archaeology

HE11 – Trees and landscape

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (DESIGN
MANAGER)

Scale Sensitivity

3.1 Given the proximity of the proposed MSCP to the castle site and their similar design approach (big buildings in an open landscape), it automatically sets up an architectural relationship between the buildings. The necessity for high quality design to justify this relationship therefore becomes highly important. A big building on this open land is highly sensitive, not just because it is big, but because it is

within a fundamental part of the setting of the Castle site. The proposal has taken some minor measures to limit visual bulk; the main staircase that visually “pops up” and needs to land on high ground is pushed as far as practical away from the Castle site; visually striking earlier ideas for a “wrap” around the pumping station are omitted and the building is generally without anything superfluous that would add bulk in sensitive places.

3.2 Design quality (at all levels) needs to be carried through to execution during construction and future management. Some degree of harm to the heritage significances of the Castle site is inevitable. Given that some harm is inevitable, the proposal should take the least harmful approach. Key to this is overall size, which is a function of car parking numbers.

Heritage Setting

3.3 The range of key views assessed in the Heritage Statement is inadequate in number and position. Overall the Heritage Statement underestimates the degree of harm, is a bit vague in the level of harm, and makes claims that are hard to justify without a proper Heritage, Townscape and Visual Impact Assessment. Without an adequate heritage assessment, the degree of harm cannot be assessed

Building Design

3.4 The general approach of an “honest” visual expression for the car park fenestration is supported. I do not support making the building less car-park-like. However, clearly the car park is budget-constrained, and architectural flourishes are limited to certain components such as the promenading staircase and sections of green wall. All these are focussed on the New Walk aspect. It is anticipated that when visualisations are done from the other long (east) elevation the relentless simplicity of the approach here will be a weaker part of the proposal. The bay study drawings show a promising intention to achieve a high quality cladding, but there is a long way to go before it can be agreed that this is a successful fenestration proposal.

3.5 No strong views on the merits of the solar canopy; they have the potential to break the roofline up for visual interest, could help control lighting and mask some cars but they also add bulk and could be reflective from unanticipated places.

3.6 Recommend submission of more visualisations and planting of trees on the east elevation. Need to agree a high design quality for the cladding (including solar canopy) and to ensure an appropriate lighting scheme.

3.7 Summary - Potentially support, despite the elements of harm, given the potential public benefits, following resolution of the above recommendations.

Comments in response to revised plans / additional information

3.8 Additional views have been provided within the heritage statement but presented with insufficient clarity.

3.9 In relation to the long east elevation, extra visualisations have been provided but some don't capture what was requested. Also views are still all summer ones and highly affected by trees. Tree screening will change in winter. Additional trees are shown along the east elevation.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION ARCHITECT)

3.10 It is impossible to understand the potential impact of the proposals and support the conclusion in the Heritage Statement (that the minor negative impacts are mitigated through design) as insufficient views are assessed and the assessment and conclusions are often generic, repetitive and without justification. The level of detail provided is not proportionate to the various assets importance.

3.11 The development will affect the setting of various heritage assets. From the limited views available in the Heritage Impact Assessment (HIA), this impact on heritage significance will be negative. The level of negative impact in my opinion, however, is affected by the solar canopy. It is stated that the solar canopy will add visual interest and reduce the negative impact on heritage assets but, in fact, no assessment of the potential for sunlight to be reflected from the panels has been made. The potential for these panels to reflect light and seriously impinge on views needs to be analysed.

3.12 The overall design approach was to reduce the visual impact of the car park in terms of scale and architectural expression. The car park design, without the solar canopy, is supportable in heritage terms. It is carefully considered, honest and elegant design solution that is compromised by the introduction of the solar canopy.

It is difficult to rationalise how adding a canopy can reduce massing and scale or how additional interest can be a positive thing in terms of reducing the negative impact on the various heritage assets.

3.13 Should the canopy be part of the development proposals then the level of less than substantial harm will be at the upper level of that harm (major). If the canopy is not part of the development proposal then I believe the less than substantial harm will be at the lower level (moderate). Without the solar canopy then the simplicity of the design, the palette of materials and management of scale would allow this very large building to remain subservient enough in relation to the settings of the various heritage assets. The use of terracotta cladding also allows the building to blend into the context of the many other brick buildings around, whilst at the same time, allowing the stone of the various heritage assets to remain dominant. As already stated there would be an adverse impact on heritage significance but this would be at a lower level of less than substantial harm without the solar canopy.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.14 The proposed development would result in the loss of 14no. trees. The loss of the large Lime is unfortunate but it is understood that its retention would pose too much of a restriction on the efficacy of the proposed development. The small trees that are to be removed, relate directly to the layout of the existing car park. Whilst they contribute to the overall tree cover in the immediate area, their loss would be mitigated by the new tree planting and creation of a new open space.

3.15 18no. trees would be replaced. The locations and species of the proposed trees have been carefully selected to suit the new spaces. The success of the proposed trees would largely depend on the quality of the ground preparation, and subsequent maintenance. In consideration of the views of the MSCP across Foss basin from the inner ring road, the applicant is asked whether it is feasible to add some trees to the meadow area and/or within the vicinity of the scheduled ancient monument.

3.16 The landscape masterplan and proposed planting is perceptively simple and considered. A significant merit of the scheme is the creation of a public open space where there is currently tarmac. Fully support incorporation of green walls into the car park elevations. Such planting usually has a drip-feed watering system using rainwater collected on the roof. Officers have to be sure that this is suitably detailed

and managed. Are there any existing/proposed utility plans, including lighting and drainage to show the compatibility with the existing/proposed trees?

Comments in response to additional information

3.17 The applicant appears to want to manage any further revisions or more detailed information by way of condition. This is okay, and their response provides some reassurance that the intention is there for the next stage of design, however there is inevitably an element of risk involved, either by way of unforeseen harm to existing trees, or an inability to fully meet the design aspirations proposed by the applicant, or the quality of detail expected by CYC.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGIST)

3.18 A Preliminary Ecological Assessment has been submitted to support this application which assessed habitats and potential for protected and notable species to be using the site. The habitats within the site are generally of low ecological value although the scattered trees and hedgerows have value at a site level. The River Ouse and the River Foss are important green corridors.

3.19 There are no ecological objections to this scheme. If this application is approved, the landscaping proposals should be secured by condition, as should a sensitive lighting scheme that minimises light spill onto surrounding trees and the rivers.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT
(ARCHAEOLOGIST)

3.20 The creation of the sewer diversion and additional drainage requirements is expected to impact upon the modern and post-medieval levelling deposits up to c.4m below current ground level. This will include excavation through saturated layers which may also impinge into the medieval dumping deposits. The sewerage excavation will need to be monitored archaeologically.

3.21 The foundation design for the car park is currently unknown. It is anticipated that a piled foundation design will be used which will again impact upon the modern and possibly post-medieval archaeological deposits with piles extending into archaeological layers of all periods. Any foundation design will need to ensure that

the saturated deposits are not cut off from recharge by the river and that up to 95% of archaeological deposits are preserved in-situ.

3.22 Conditions are required to ensure that:

- any archaeological deposits which are revealed during the excavation for the sewer diversion, drainage, landscaping, and foundation creation are recorded or excavated where appropriate.
- a further program of hydrological monitoring takes place following the construction of the car park to determine the impact of the development on the archaeological deposits over a longer period of time.
- the foundation design will allow the retention of up to 95% of the most significant archaeological deposits in situ.

3.23 There are opportunities within this site to better reveal the surrounding listed and scheduled buildings as well as highlighting the conservation areas. In particular St George's Chapel should be presented and interpreted for members of the public as part of this development.

FORWARD PLANNING

3.24 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies SS5, D1, D4, D5, D7, D10, CC1, CC2, ENV1, ENV2, ENV4, ENV5 and DM1 should be applied with moderate weight.

3.25 On the basis of our analysis and conclusion, we do not raise a policy objection to this application, subject to any comments from colleagues in design and conservation on the design and historic environment considerations in this sensitive location, alongside comments from public protection in relation to air quality, and flood risk and drainage.

PUBLIC PROTECTION

3.26 No objections, comments as follows;

Air Quality

3.27 Public Protection welcomes the relocation of the parking spaces from the city centre to the proposed location, together with the provision of 56 electrical charging points. The no. of electrical charging points equates to 15% of the total number of car parking spaces proposed on the site. This is already well above CYC's current standard (5% active / 5% passive provision).

Contamination

3.28 The Phase 1 Geo-Environmental Assessment by WSP has identified a number of potential sources of contamination at the site, including the anticipated presence of made ground and localised hydrocarbon leaks / spills associated with the site's current use as a car park. Public Protection agree that an intrusive site investigation is needed to find out whether land contamination is present at the site. If contamination is found, remedial action will be required to ensure that the site is safe and suitable for its proposed use. Recommend the appropriate land contamination conditions.

Lighting

3.29 No details are provided concerning the lighting of the development. The site is located in a slightly darker area within the city centre. There are residential dwellings to the west and south east sides of the development within approximately 100 metres from the proposed parking. Public Protection have received complaints about other car parks in the city in relation to light pollution and glare from the angling of the lighting even within the building envelope. There will also be lighting on the roof top which would be visible and must be designed in a way to minimise light pollution impact and sky glow. As a consequence, it is advised that a condition requiring the approval of a full lighting assessment be attached to any approved proposal.

Construction and Demolition

3.30 Conditions relating to the hours of demolition and construction and requiring the submission of a Construction Environmental Management Plan and details of piling operations, are recommended.

HIGHWAY NETWORK MANAGEMENT

3.31 The TA has been prepared primarily to evaluate the traffic impacts of the proposed St George's field MSCP, which forms part of the Castle Gateway Masterplan. In this regard, it assesses the delays on the network resulting from the crossing of Tower Street and right turn into the MSCP / coach park from Tower Street eastbound to determine whether the residual cumulative impacts of the application on the road network are severe. These elements of the Masterplan are expected to be implemented separately and, potentially, over a different timescale to this application, and these may, ultimately, not be realised. The application must, therefore, also be judged on its own merits. In this regard, although it is unlikely the residual cumulative impacts of the application on the road network would be severe, the TA does not include a sufficiently robust assessment of the road safety implications of the proposed larger MSCP.

3.32 When the application is considered in isolation it is concluded that:

- the higher number of spaces in the MSCP compared to the existing St. Georges Field car park could have an adverse impact on the safety of the MSCP / coach park access / Tower Street junction and the Tower Street / Bishopgate Street junction at times of peak demand for people entering or exiting the car park, which may not coincide with the am and pm peak hours used for traffic modelling purposes;
- the geometry of the new ramps to the MSCP vehicle entrance and coach park may be such that adequate forward visibility is not provided to allow the safe and unobstructed movement of coaches waiting to exit the coach park, without the need for more extensive traffic signal control measures than currently proposed;
- the proposed combined cycleway / footway has the potential to divert pedestrians and cyclists away from a well-used existing route (New Walk) without having an obvious destination at its northern end, thereby compromising the safety of cyclists and causing pedestrians to have a more circuitous route into the city centre;
- the potential exists for vehicle pedestrian collisions to occur on the area of combined cycleway / footway in the vicinity of the accesses to the Marina and the Foss Basin, and on the pedestrian crossing across the access to the MSCP close to its junction with Tower Street.
- the associated crossing on Tower Street, proposed as part of the Castle Gateway Masterplan, will impose considerable delays on the local highway network.

Comments in response to revised plans / additional information

3.33 Response as follows;

- The effect of increased parking provision in the MSCP on road safety at Tower Street is addressed by the proposal for the pedestrian crossing and signalised junction (included in the TA). To be conditioned as off-site highway works.
- Forward visibility over the access ramps – The Coach Visibility on Access Ramp shows that this should be adequate.
- Dispersal of pedestrians and cyclists at Tower Street should be addressed through a condition for the new highway crossing and alterations to Tower Street (as included in the TA), with detail design to be agreed by the local authority and including a full RSA.
- The proposed pedestrian crossing across the access to the MSCP / Coach Park can be addressed through the detailed design process and with the RSA process.

FLOOD RISK MANAGEMENT

Flood Risk (River)

3.34 Conditions requested by the Environment Agency's response should be imposed. An Emergency Flood Evacuation Plan should be submitted for approval to our Emergency Planning Team prior to determination.

Surface Water Drainage

3.35 In line with CYCs Sustainable Drainage Systems Guidance, the use of soakaways or a means of surface water disposal should be explored by carrying out site specific infiltration testing. Existing connected impermeable areas should be proven by way of site specific CCTV Survey and should not be assumed to be 100% impermeable.

3.36 Peak run-off from Brownfield developments must be attenuated to 70% of the existing rate. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change.

Further Comments

3.37 No phase 2 intrusive geo-environmental investigation has been carried out but there is enough evidence provided within the Archaeological Investigation Report to

confirm infiltration methods for surface water disposal are not suitable in this location.

3.38 No CCTV survey has been carried out to prove existing connected impermeable areas therefore we are unable to agree a permitted discharge rate and associated attenuation volumes. A CCTV survey is essential to quantify the allowable discharge rates and final destination of these flows but it has been agreed that this CCTV survey can be carried out after determination of the application and be sought by way of condition. The applicant has been made aware that the size of the attenuation measures are dependent on this and this could affect the design of the site.

EXTERNAL

HISTORIC ENGLAND

3.39 Although we support the aim and objectives of the York Castle Gateway Project, the application does not provide us with the certainty that is required to deliver a major development in this sensitive location or secure the extensive public benefit of the several related development projects. Therefore Historic England is unable to support the MSCP proposal in its present form.

3.40 We remain willing to work with the design team to address the issues identified below and to arrive at a clear and binding commitment establishing how the extensive public benefits are to be secured and delivered. Specific concerns with regard to design elements of the MSCP:

- the inclusion of the solar canopy at roof level of the MSCP: this should not be seen in views from Clifford's Tower,
- the use of the top deck for public events and the impact of the provision of lighting: this must be minimal in views from Clifford's Tower,
- the landscaping around the MSCP and proposed new public space on the west side of the MSCP: this currently lacks the level of detail required in order for the new public realm to make a positive addition to the New Walk Terrace / Terry Avenue Conservation Area.

3.41 Our greater concern however lies in the lack of clarity surrounding the relationship between the several Castle Gateway development projects and the manner in which the public benefit is to be secured. Whilst the proposed MSCP will

cause some harm to the significance of the designated heritage assets named above, the public benefit generated by the closure and removal of the existing car park at Clifford's Tower is likely to outweigh that harm, but it needs to be clearly stated and defined.

Comments in response to receipt of revised and amended information

3.42 The Statement of Heritage Significance fails to demonstrate the relationship between harm and public benefit. There are inconsistencies and omissions from the assessment whilst the significance and degree of harm are frequently under-assessed. In some respects the inconsistencies here are of greater concern because of the physical proximity of the MSCP to the castle.

3.43 The landscaping proposals now have greater definition and we welcome the suggested approach. However, we reiterate our previous advice to the effect that the MSCP is too large and does not need the solar canopy which makes it more visible and obtrusive (and therefore more 'harmful') from the top of Clifford's Tower. In a post Covid world, the number of and demand for parking space numbers needs to be revisited to better reflect predictions of vehicle use.

3.44 Historic England remains fully committed to the Castle Gateway masterplan. We understand that the delivery of this ambition requires that a number of inter-related development 'steps' are followed. However, it is only when the harmful impact on heritage assets is fully acknowledged that the parameters for modifications for the design of elements such as elevations of the MSCP can be set. A question remains about the funding gap around the projects and it is still not clear from the additional information submitted whether this funding gap may be critical to the delivery of the overall scheme. The most pressing requirement is that the Assessment of Significance documents are rethought and redrafted to better reflect the reality and impact of the development schemes. Until such time as this has been achieved and agreed, we continue to have concerns on heritage grounds in respect of these two development proposals.

ENVIRONMENT AGENCY

3.45 No objection subject to a condition that the development be carried out in accordance with the submitted flood risk assessment and the mitigation measures it details.

YORKSHIRE WATER

3.46 If permission is to be granted, a pre-commencement condition requiring details of measures to protect the public sewerage infrastructure to include details of means of access to the pipes, is required in order to protect the local aquatic environment and Yorkshire Water infrastructure.

CANAL AND RIVER TRUST

3.47 The proposed car park would be visible from the riverside corridor, notably in winter. There is a risk that the proposed design, could appear stark and domineering next to the river, as the proposed massing is predominantly a ribbed terracotta tiling treatment that would not appear vastly different from a concrete finish. As such the building does read as architecturally brutal, which intrinsically does not compliment the softer naturalistic riverside setting. The use of an alternative facing material or the expansion of the proposed green wall could help to soften the western elevation to blend it into the riverside setting.

3.48 In our capacity as Navigation Authority of the River Ouse, the developer may need to comply with the Trust's "Code of Practice for Works affecting the Canal and River Trust" so that we can ensure that the impact of the large scale redevelopment on navigation can be appropriately managed. An informative advising the applicant of this is recommended.

NORTH YORKSHIRE POLICE

3.49 Do not support the application. The principle issue is the permeability of the structure, in particular the open-sided ground floor which makes the MSCP and its legitimate users vulnerable to crime and disorder. It is recognised that the ground floor forms part of the flood plain for the river and that it will be allowed to flood. However, there is an example of enclosed secure car parking on the river front close by, that does not impede flood water and which can also be easily cleaned when flood water recedes. It is also noted that the MSCP will be open 24/7 but will not be staffed during the night. This factor, alongside the structures permeability will make the site very attractive for illegitimate uses and antisocial behaviour to take over to the detriment of the sites intended purpose. This could have a negative impact on the sustainability of the facility.

4.0 REPRESENTATIONS

YORK ENVIRONMENT FORUM

4.1 Objects to the application for the following reasons;

- (i) In the last three decades the Council has developed an extensive network of Park & Ride bus services and an extensive cycle network. However the now comprehensive set of Park & Ride services and local bus services suffer, in terms of reliability, travel times and running costs, from the excessive volume of remaining traffic still using the key radials and inner ring road, and the congestion and unpredictable delays that causes. With the Climate Crisis, the opportunity to substantially reduce the amount of city centre car parking and individual motorised trips to the city centre should be seized, rather than continuing a 1970s approach to transport and parking. The Council should reconsider whether a different approach would allow this plan for a MSCP to be abandoned completely, or at least very substantially reduced in scale. The very substantial proposed investment in the car park could instead be spent on major improvements to the cities cycling network and for additional bus priorities to improve these alternative transport modes attractiveness.

- (ii) The size and bulk height of the proposed multi-storey car park is excessive and impinges too greatly on both the nearby historic York Castle complex and on St. George's fields and especially the historic New Walk. This is due largely to the Council's own requirement to accommodate 372 parking spaces, which appears in part to be financially rather than policy driven. The building is far too large in terms of the capacity of the site and operational need and the justification relies on outdated usage data from a single day in 2010. When almost half the Castle car park had been set aside for the Shakespearian theatre, we are not aware that the St George's car park became 'full up'. Emeritus Transport Professor Tony May points out that occupancy on Saturdays and Sundays is substantially higher than on weekdays, and that a more focused policy of encouraging park and ride would allow the capacity of the St George's Field and Piccadilly MSCPs to be reduced by around 100 spaces. This would allow the structure to be reduced in height by one level, reducing its overwhelming presence in St. George's Fields.

- (iii) The proposed access and exit proposals to and from the public highway are unacceptable. The impact on the inner ring road is significantly worsened congestion and delay. In terms of pedestrian access, whilst reference is made to a potential new pedestrian / cycle crossing of the inner ring road toward Rainham Mill in the Castle Museum complex this does not appear to form part of this or any current separate planning application or highway proposal. Instead reliance for pedestrian access to and from the car park to town is placed on the New Walk Path under Skeldergate Bridge. This route floods frequently in the winter and spring – so is wholly inappropriate as the sole pedestrian access. We'd point to the potentially very serious consequence when New Walk is flooded. Then the only pedestrian exit will be on to Castle Mills and the only safe way to get there from town is either to walk all the way to the Fishergate / Paragon Street junction to the east, or to the far end of Skeldergate bridge pedestrian crossings. Neither are within sight from the car park access. Almost certainly therefore a chunk of pedestrians will simply cross the dual carriageway and others may try west and will end up crossing at the near end of Skeldergate bridge at considerable risk. Car park users and pedestrians from New Walk south should be able to cross the dual carriageway directly in one movement. This should be dealt with by a Grampian condition which requires the dedicated new cycle / pedestrian crossings completion before the car park is first used.
- (iv) The transport assessment of highway safety past the new access is also inadequate. It makes a superficial appraisal of current accident patterns with no assessment of the impact of the changed situation. This section of the inner ring road is a nightmare for cyclists, yet this is not even mentioned other than in the context of the one existing accident. No consideration appears to have been given to any cycle priorities through the new access junction. The Council should provide inner ring road cycle lanes on this section of Castle Mills to connect to the Skeldergate Bridge / Tower Street cycle lanes. The carriageway could be widened into the redlined site to allow this.
- (v) The application proposes a substantial number of 'disabled parking spaces' for blue-badge users to replace the spaces lost at Clifford's Tower. The existing spaces are 250m from the edge of Parliament Street. The proposed multi-storey car park is 500m. This increased distance is far too

far for many disabled people and does not constitute equivalent replacement. Spaces should be set aside much nearer the city centre.

THIRD PARTY REPRESENTATIONS

4.2 20No. third party representations received objecting to the scheme for the following reasons;

- (i) The proposed building, due to its proximity to several nearby heritage assets when combined with its height and mass, will cause substantial harm to the setting of these heritage monuments. Heritage assets which would be affected include Skeldergate Bridge, the listed adjoining park, the City Wall and the last remaining part of the medieval castle and Clifford's Tower.
- (ii) The external appearance and design of the MSCP is poor with excessive horizontality giving a brutal appearance reminiscent of the 1960's. MSCP's do not have to look like MSCP's, see John Lewis MSCP in Leeds. The existing Shambles and Rowntree Wharf MSCP's show how they can be designed to sit well in their surroundings. What is required is a design in which the floor plans do not dictate the form but express the circulation between floors and human scale. The design is unambitious /boring and out of place in this part of York.
- (iii) Impact on views of and from the river. The development is at odds with CYC Policy to sustain the green wedges that come into our city centre. The "green wedges" are crucial to maintaining the integrity of the riverside area. This area is sensitive and this very large development is completely out of scale.
- (iv) The visual impact from residential properties on the west side (Terry Avenue / Postern Close) has not been properly considered and the photomontage only shows the trees in full leaf. For almost half the year the MSCP will be clearly visible from Terry Avenue and residential properties on the west side of the river. It will appear as a stark dark mass in winter. This could be softened by a green living wall, as is being proposed for the side elevations and the retention of the existing hedge, which is earmarked for removal. Great effort appears to have been made to improve the visual

impact from heritage viewpoints with little regard for those residents who will have to live with it permanently. Planting young trees would take 50 years before they acted as a sufficient screen.

- (v) The cladding material is described as terracotta tiles and yet in all the visualisation and elevational drawings, it has the appearance of ridged concrete, akin to that used in inner city car parks in the 1970's. This is totally inappropriate material for this sensitive location within a Conservation Area.
- (vi) The proposed living walls would seem to be an attempt to mitigate for the brutal appearance of the terracotta tiles. The amount of living wall proposed will demand extensive and expensive maintenance by the Council to ensure that it actually remains living. There should be an extension of the green wall design to cover more of the skin of the building.
- (vii) There is mention of the possibility of "Public Gatherings" events on the top, any number of which would require a roof top bar to enable the viability of such activities. Such noisy use, and from an elevated position, would be extremely detrimental to the residential amenity currently enjoyed in this quiet residential area.
- (viii) The impact of this building is contrary to the objectives of transport policy for the city and environmental concerns to provide sustainable transport for the future and encourage better modes of transport. On a global scale this MSCP will contribute to human induced climate change from removing trees to construction using concrete and during its lifespan from motor vehicles. Cars need relocating to the park and ride facilities; building a MSCP will attract cars to the city centre maintaining the deplorable status quo of excessive traffic volume and associated pollution. York has recognized that there is a climate emergency. Where does this huge car park fit into these objective and policies?
- (ix) The size and bulk of the proposed MSCP are due largely to the requirement to accommodate for 372 parking spaces. This is far too large in terms of the capacity of the site and operational need. The justification is to replace the Castle and Castle Mills car parks but the case relies on outdated usage data from 2010. Five months ago, Castle Mills had closed and almost half the Castle car park had been set aside for the theatre. Not aware that the

St George's car park became full up during this period. It is suspected that a proper analysis would show that at least one storey of the proposed MSCP could be lopped off. More thought must be given to considering how much of the displaced car parking will be displaced from Castle car park to other car parks like the underused Piccadilly MSCP, or Park & Ride.

- (x) This development will provide space in a sensitive heritage site - surely it makes sense that if there are spaces elsewhere in the City that the cars should drive to those spaces rather than building a five storey car park that is of questionable benefit in such a sensitive area.
- (xi) Some city centre traders have argued that close to centre parking is needed otherwise shoppers will not come; the fact that a number of key stores have all recently closed while there is ample city centre parking negates this argument. The cause for these closures lies elsewhere.
- (xii) The council's argument that the income lost from the closure of the Clifford's Tower carpark needs to be replaced by income from the multi-storey carpark is a myth. The income could be replaced by a small charge at the park-and-ride facilities.
- (xiii) The income from sale of accommodation which is earmarked for the funding of the MSCP should be directed towards Park and Ride if this needs expanding, this investment is more sensible as it provides flexibility to meet changing needs as required, both seasonal and long-term, and does not involve massive capital outlay. Or should be used to make York less polluted and more pedestrian / cycle friendly.
- (xiv) The plan to remove the carpark from around Clifford's Tower and convert this to a green space is to be applauded but it should be taken as an opportunity to discourage vehicle access into the city. The cars should not be transferred to St Georges Field which should itself be a green space, a green park for the benefit of the ever burgeoning population of inner York.
- (xv) The proposed access and exit proposals to and from the public highway are inadequate. Car park users should be able to cross the dual carriageway directly in one movement.

- (xvi) The application proposes a substantial number of disabled parking spaces for blue badge users to replace the spaces lost at Clifford's Tower. The existing spaces are 250m from the edge of Parliament Street. The proposed multi-storey car park is 500m. This increased distance is too far for many disabled people and does not constitute equivalent replacement. Spaces should be set aside much nearer the centre.
- (xvii) There is no pedestrian access to the river walk from the south side of Skeldergate Bridge or Tower Street without walking all the way round and to the south of the car park (or crossing Skeldergate Bridge road to go down the steps to Tower Gardens on the north side). Could steps and/or a ramp be added opposite the steps down to Tower Gardens?
- (xviii) The gap to the east of the car-park is too narrow - the combination of cycles and groups of passengers sharing this footpath space will be frustrating and dangerous. The width of the carpark should be reduced to allow for a separate cycle way right up to Tower Street.
- (xix) The bus shelter looks like a late add on and is located dangerously where pedestrians and cyclist meet.
- (xx) The master-plan drawing does not show a right turn into the car-park from Tower Street although it is shown in the traffic assessment. This right turn is needed to prevent additional traffic on the Fishergate gyratory system.
- (xxi) The demolition of the toilets is an infringement of human rights to comfort facilities being available to the public, with seemingly no mitigation. WCs should be in a more prominent position.
- (xxii) Loss of trees
- (xxiii) There is already a problem with anti-social behaviour and rough sleeping in the adjacent Tower Gardens. The planned open sided ground floor, which will not be staffed overnight, is likely to lead to similar issues, which will have a negative effect on the large number of residential properties on Terry Avenue and impact the safety of evening and late night car park users.

- (xxiv) The planning statement says that no air quality impact assessment is necessary as the number of car parking spaces is slightly less than the combined St Georges Field and current Castle Car Park site. Surely air quality will be affected by a much higher concentration of cars in a much smaller area. Why has this not been investigated and reported on?
- (xxv) The site is flood plain and does flood. Should, in the light of possible climate change, we be building on such areas?
- (xxvi) There needs to be specific electric vehicle charging points within the disabled bays. Only 18% of the spaces have charging facilities, this needs to be nearer 35%. The charging spaces should be powered by roof mounted solar PV arrays and battery provision.
- (xxvii) Cycle / e-scooter racks should be included.
- (xxviii) In the past few months, the way we live has changed and perhaps a fundamental rethink on this project is now due.
- (xxix) Would the carpark fulfil its purpose? People on an evening would like to park closer to the centre and not in a MSCP.

4.3 One representation received in support of the scheme making the following comments;

With regard to the overall aesthetic and mass of the design, it is an appropriate solution. It is not a particularly obtrusive structure due to the level of the existing car parking being significantly lower than the neighbouring road leading to Skeldergate Bridge. The design seems well thought out in terms of access for cars and pedestrian circulation. The plan also allows for increased public space for pedestrian use around its perimeter which currently does not exist. Although disappointed that the applicants have adopted some cynical and unimaginative strategies such as copious green walls that inevitably will not materialise, it is however a strong application which I fully support.

4.4 A second representation received broadly in support of the scheme but requesting committee to pay particular attention to the scale and massing from the various viewpoints especially given that the visualisations only show the trees at maximum leaf density.

5.0 APPRAISAL

5.1 The key issues to be considered as part of this application are:-

- Principle of the proposed development
- Design and External Appearance
- Impact on Designated Heritage Assets (Listed Buildings / Conservation Area / Archaeology)
- Landscaping
- Ecology
- Transport and Access
- Flood Risk and Drainage
- Neighbouring Uses
- Crime
- Sustainable Design and Construction

POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework (February 2019)

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", 2019). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 Relevant draft policies are set out in section 2 of this report.

2005 Draft Development Control Local Plan

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

PRINCIPLE OF DEVELOPMENT

5.7 Paragraph 11 of the NPPF requires decision makers to approve development proposals that accord with an up-to-date development plan without delay.

5.8 The proposed development forms a key component of the York Castle Gateway Masterplan development proposals, which are addressed in Policy SS5 of the 2018 Draft Plan. Policy SS5 identifies Castle Gateway as an "Area of Opportunity", a major regeneration area of the city centre and an area home to high quality cultural, river and heritage assets that form part of York's unique character, but suffer from a poor quality setting amongst car parking and neglected buildings. St George's Field has been identified within the Castle Gateway regeneration plans as an opportunity

to provide enhanced car parking arrangements through the development of a multi-storey car park, to replace the existing parking at Castle Car Park.

5.9 Taking into account the existing number of spaces at St George's Field (156), the spaces which would be lost at Castle Car Park (349) and the 372 spaces to be provided in the proposed MSCP, the overall provision in this area of the city centre would be reduced by 133 spaces from 505 to 372 with car parking and associated traffic moved outside of the inner ring road.

5.10 The Planning Statement accompanying the application states that "*the proposed development seeks to maximise the potential of the site by extending the role of St. George's Field and the Foss Basin as an arrival point and gateway to the city, providing the scope to create stronger pedestrian and cycle routes through the area and make more of the waterside setting for recreation*". In the context of the proposed development replacing the existing Castle Car Park and involving a reduction in the overall number of car parking spaces, these aspirations accord with 2018 Draft Plan Policy SS3 (York City Centre) which seeks to ensure that the city centre remains the focus for main town centre uses and encourages proposals that promote accessibility and movement, particularly those that prioritise pedestrian and cycle movement and improve linkages between key places. It also broadly accords with NPPF policy, which seeks to support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation (Paragraph 85).

DESIGN AND EXTERNAL APPEARANCE

5.11 Chapter 12 of the NPPF gives advice on achieving well-designed places. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character whilst not stifling innovation, establish a strong sense of place, and create safe and accessible environments.

5.12 At paragraph 130, the NPPF advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These aims are reflected in Policy GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 Draft Local Plan.

Scale and Design

5.13 It is acknowledged that any large freestanding building on this open site would be viewable from all sides as an object in the landscape, unrelated to a street or urban block, which therefore will stand out architecturally. The proximity of the proposed development to the Castle site (Debtor's Court, Female Prison and Assize Court), which are also large buildings in an open landscape, would create an architectural relationship between the buildings and would affect their setting. Some level of harm is considered to be inevitable and therefore ensuring the least harmful approach, in terms of being satisfied that the overall size of the development, a function of the car parking numbers, is minimised and ensuring a high quality design, is considered critical.

5.14 In terms of size and in response to the applicant being asked to demonstrate that the number of proposed spaces is the lowest feasible given projected car use, anticipated occupancy levels and promotion of other more sustainable means of transport, the applicant has confirmed that a clear brief given to the project was to replace any lost car parking, which with the constraints of the site, has already been compromised with the proposals involving the loss of a significant number of spaces from city centre car parking capacity. In addition, the applicant notes that the multi-storey car park is an expensive building due to the site constraints and is very small for a multi-storey car park. Much of the build cost of the car park is within the foundations and therefore the more spaces and levels a car park has, the more economical it is to build. In response to comments that the car park should lose a further storey, the applicant states that this would both result in a further loss of car parking capacity and would compromise viability by increasing the cost per space.

5.15 The proposed development has sought to limit visual bulk. The floors are 3 metres floor to floor, so overall it would appear from most angles similar to the height of a four storey apartment building with a recessed top fifth floor. However, due to the sloping site, the building will visually appear as three floors from the elevation nearest the Castle site. The external feature staircase has been re-sited as far as practical away from the Castle site and the building is generally without anything superfluous that would add bulk in sensitive places.

5.16 Officers support the "honest" visual expression for the car park fenestration. Architectural flourishes are limited to certain components such as the promenading staircase and sections of green wall, all focused on the New Walk elevation. The long, plain east (Foss) elevation is considered to be a weaker part of the proposal and as such Officers asked whether additional trees could be planted along this

elevation. Revised plans have been submitted which detail the planting of 7No additional trees along the eastern boundary.

5.17 The merits of the solar canopy, which divides opinion, is assessed at paras 5.24 and 5.25. The lighting design is also considered to be critical not only in aesthetic terms to ensure the building is not illuminated as a feature but to prevent light pollution / sky glow to safeguard residential amenity and to minimise the ecological impact. The key areas to be illuminated are the green walls, the external feature stair, the main entrance facade and the top deck and it is acknowledged that even if lighting is highly controlled, inevitably the open decks will spill light at night. A condition to ensure a lighting design that is as subdued as possible is required.

IMPACT ON HERITAGE ASSETS

5.18 The site is within the New Walk / Terry Avenue Conservation Area and within an Area of Archaeological Importance. It also is within City of York Historic Characterisation Project, Character Area 66 “Fishergate - River Ouse” and abuts Character Area 13 (The Castle area) of the York Central Historic Core Conservation Area Appraisal (YCHCCA), which includes, in addition to Clifford's Tower and the castle remains, the following designated heritage assets: The Crown Court and railings, Grade I, Castle Museum and Debtors Prison, Grade I, and Castle Museum and Female Prison, Grade I.

5.19 The Character area statements set out important considerations for each area which must be met by any new development. Character Area 66 “Fishergate - River Ouse” (2013) recommends that any new development in the area should be sympathetic in terms of style, material, proportions and density and should complement and enhance existing character. It states that “*the existing car and coach park is a degraded space and opportunities for enhancement of the landscaping could usefully be identified. This is an important visitor destination and the pedestrian journey from here to the city centre could be significantly improved*”. The document also advises that “*key views of major heritage assets and local landmarks should be maintained and enhanced to help orientation and enhance local distinctiveness*”.

5.20 In accordance with Section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the same Act

requires the Local Planning Authority to have special regard to preserving the setting of listed buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation Area (or the setting of a listed building,) the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise.

5.21 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF states that when 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 weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.22 The NPPF continues by advising that local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and 2018 Draft Plan Policy D4, reflect legislation and national planning guidance. In particular, Draft Policy D4 advises that harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

Conservation Area and Setting of Listed Buildings

5.23 The site is highly sensitive and significant given its location within the Conservation Area and its proximity to such heritage assets as Cliffords Tower, the Crown Court and the Castle Museum. This significance contributes to the characteristic of the conservation area, the historic setting of the city as an area and the individual assets within it. The development will affect the setting of various heritage assets however it is considered that the simplicity of the design, the palette of materials and management of scale would allow this large building to remain sufficiently subservient in relation to the setting of the various heritage assets. The use of terracotta cladding also allows the building to blend into the context of the many other brick buildings around, whilst at the same time, allowing the stone of the various heritage assets to remain dominant.

5.24 Concerns have been raised by the Council's Conservation Architect and Historic England with regards to the proposed solar canopy in terms of it making the development more visible and obtrusive (and therefore more harmful to heritage significance) particularly in views from the top of Clifford's Tower. The point is made that no assessment of the potential for sunlight to be reflected from the panels has been undertaken, essential as there is the potential for these panels to reflect light and seriously impinge on views.

5.25 These objections are noted and whilst it is acknowledged that the canopy would add bulk and may be reflective, aside from the clear sustainability benefits of using approximately 500sq.m of roofspace for PV installation, it has the potential to break up the roofline, help control lighting and mask views of some of the cars. If Officers are to support the solar canopy, it would be on the basis of a condition to achieve a very high design quality for the solar canopy.

5.26 Taken as a whole, the development proposals, by virtue of its scale and massing, would harm the setting of a number of heritage assets. The legal test requires considerable importance and weight to be given to the desirability of avoiding such harm. The NPPF also requires great weight to be given to such harm in the planning balance, despite it being minor. The harm is assessed as "less than substantial".

5.27 Balanced against the identified harm to heritage assets caused by the proposed development are a number of public benefits which link to the wider Castle Gateway Masterplan, the key element being the closure of the Castle Car Park, a poor quality surface car park which surrounds and has a damaging impact on the setting of Clifford's Tower and the Eye of York and its replacement with a flexible, multi-purpose, vibrant area of public realm.

5.28 Throughout the public engagement process, businesses and retailers were clear that they would only support the closure of Castle Car Park if alternative city centre car parking was provided in the area. In addition, with the Castle car park generating £1.2 m a year, used to fund wider council budgets and services, a key brief for the project was to ensure that this revenue stream was retained. The proposed development, whilst reducing the overall amount of spaces by 133, would replace the lost income and provide the replacement parking required for the closure of Castle Car Park and would move car parking and associated traffic outside of the inner ring road.

5.29 Further public benefits involve the creation of a public landscaped open space, where there is currently tarmac, which pedestrians would access from a number of locations along New Walk and the improved permeability through St. George's Field with a new shared cycle/ pedestrian path providing an alternative route from New Walk to Tower Street. This path would link to the proposed new surface level crossing on Tower Street which would in turn access the new public realm and bridge associated with the Castle Mills application thus significantly improving pedestrian and cycle connectivity within the wider neighbourhood. The Tower Street crossing, which forms a part of the wider Masterplan, is outside of the application site boundary but would be subject to an off-site Highway works condition.

5.30 These public benefits are significant and far reaching and have the potential to enhance the setting of heritage assets. It is acknowledged however that these wider public benefits cannot be secured through this planning application and there is a lack of certainty that these benefits can be realised given the long timescale of the project and funding complexities. Historic England are unable to support the applications for this reason, advising that they are not convinced that there is an adequate mechanism in place to ensure the delivery of the public benefits. Questions are therefore asked as to the weight that can be attributed to these public benefits in the exercise of balancing them with the identified harm to heritage assets.

5.31 To address these comments, the applicant has submitted a supplementary note explaining the relationship between the St George's and Castle Mills applications and the delivery of the Masterplan. The applicant confirms that it would accept a planning condition, or other form of restriction, to be applied requiring the Castle car park to close within 3 months of the St. Georges Field MSCP becoming operational.

5.32 It should be noted that whilst the closure of the Castle car park can be secured by means of a condition (to include a requirement that all ticket machines and associated car park signs be removed), the details of the public realm works would be the subject of a future separate planning application. The applicant has confirmed that this body of work would be brought forward in to the first phase of development to ensure permission would be in place to create a shovel ready scheme and to help secure any external funding that may become available. With this approach, it is acknowledged that whilst the removal of cars from this area would result from the implementation of the permission, the works to transform the

space into a flexible, multi-purpose, vibrant area of public realm would not be secured.

5.33 Officers are satisfied that adequate mechanisms are in place to ensure the delivery of the public benefits identified above. Therefore whilst it is considered that less than substantial harm to the setting of a number of heritage assets would result, this harm is considered to be outweighed by the closure of the Castle Car Park and improvements to pedestrian and cycle connectivity. Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

Archaeology

5.34 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. 2005 Development Control Local Plan Policy HE10 and 2018 Draft Plan Policy D6 reflect national planning guidance.

5.35 The archaeological features and deposits on the application site are undesignated heritage assets of potential national significance that lie within the designated Area of Archaeological Importance. The site also lies adjacent to and includes part of the footprint of a scheduled monument, the remains of St Georges Chapel, an evaluation of which was carried out in 1990 by York Archaeological Trust (YAT).

5.36 In terms of archaeological deposits on the site, a borehole evaluation and water monitoring program was undertaken to characterise the hydrological regime across the site, the archaeological deposits and their state of preservation. Investigations revealed waterlogged deposits of possible medieval date associated with prolonged dumping of domestic refuse that overlie a series of alluvial flooding deposits with a possible Roman horizon or dumping event across the site. Covering this material, modern land reclamation has sealed in lower deposits further sealed by modern car park levelling and surfacing. The monitoring reveals that the archaeological deposits are hydrologically connected with the River Ouse with the data indicative of anoxic and reducing conditions which are ideal for the preservation of organic archaeological materials.

5.37 The creation of the sewer diversion and additional drainage requirements is expected to impact upon the modern and post-medieval levelling deposits up to

c.4m below current ground level. This will include excavation through saturated layers which may also impinge into the medieval dumping deposits. The foundation design for the car park, anticipated to be a piled foundation design, will also impact upon the modern and possibly post-medieval archaeological deposits with piles extending into archaeological layers of all periods. In accordance with Emerging Local Plan Policy D6, the foundation design will ensure that the saturated deposits are not cut off from recharge by the river and that no less than 95% of archaeological deposits are preserved in-situ. Any harm is considered to be less than substantial, outweighed by the public benefits identified above, and can be mitigated by conditions.

LANDSCAPING

5.38 Policy D2 (Landscape and Setting) of the 2018 Draft Plan states that proposals will be encouraged and supported where they conserve and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities and recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements, and retain them in a respectful context where they can be suitably managed and sustained.

5.39 The proposed development would result in the loss of 14no. trees including one large Lime. This Lime positively contributes to the landscape character of the area as it is an attractive, prominent, individual tree however it is acknowledged that its retention would pose too much of a restriction on the efficacy of the proposed development. Whilst the remaining trees to be lost contribute to the overall tree cover in the immediate area, it is considered that their loss would be mitigated by the 25No. replacement trees and the creation of a new open space.

5.40 Officers consider the landscape masterplan and proposed planting to be perceptively simple and considered with a significant merit of the scheme being the creation of a public open space where there is currently tarmac. This introduces a good arrival space with strong connections to the river, and access to the city centre under Skeldergate Bridge. The incorporation of green walls into the car park elevations is also fully supported.

5.41 In order to soften views of the proposed development across the Foss basin from the inner ring road, Officers requested that additional trees be added to the meadow area and/or within the vicinity of the scheduled ancient monument and to

the boundary with Tower Street bridge. Revised plans have been submitted which detail the planting of 7 No additional trees along the eastern boundary and although the applicant has agreed with the principle of additional tree planting on the boundary with Tower Street, notes that whilst the Scheduled Ancient Monument should not be a constraint to planting trees, the consent of Historic England will be required. The applicant requests that the additional tree planting (and other required detailed information), be addressed by means of detailed landscaping conditions, which is acceptable but does lead to an element of risk, either by way of unforeseen harm to existing trees, or an inability to fully meet the design aspirations proposed by the applicant, or the quality of detail expected by CYC. In accepting this risk, it is considered that subject to the imposition of detailed landscaping conditions, the proposal accords with Emerging Plan Policy D2 and Paragraph 170 of the NPPF which seeks to ensure valued landscapes are protected and enhanced.

ECOLOGY

5.42 Policy GI2 of the 2018 Draft Plan seeks to conserve and enhance York's biodiversity. Where appropriate, any development should result in net gain to, and help to improve, biodiversity.

5.43 The habitats within the application site are generally of low ecological value although there are scattered trees and hedgerows which have value at a site level. Bat surveys were carried out on the toilet block and four of the trees to be felled which identified them as having low suitability to support roosting bats. A dawn re-entry survey also recorded no bats displaying roosting behaviour and bat activity to be generally low.

5.44 Within the western bank of the Foss Basin there is an artificial otter holt which would not be impacted by the proposals. The new landscaping proposals include an area of wetland meadow close to the area of the artificial otter holt which provides a more natural habitat setting. The wetland meadows and the green living wall will also benefit invertebrates (pollinators) and in turn species of bat and birds. To further enhance the scheme, a condition requiring the provision of integrated bat boxes and bird boxes would be attached to the decision. It is anticipated that these would be introduced to the trees adjacent to New Walk within the site boundary. A condition to ensure that any lighting scheme minimises light spill onto surrounding trees and the rivers, is also recommended.

HIGHWAYS AND PARKING

5.45 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.46 The existing car park is accessed off Tower Street, approximately 50m east of the Tower Street / Bishopgate Street junction. At this location Tower Street is a dual carriageway with the eastbound and westbound carriageways separated by a central reservation. Vehicles turn left-in off Tower Street westbound to enter the existing car park and left-out onto Tower Street westbound to exit.

5.47 The proposed development would involve a similar left-in and left-out arrangement as currently exists with the submitted Transport Assessment (TA) stating that 'as part of the development the access to the site would also be redeveloped from a 'Left in, Left out' priority junction into a signal controlled junction which would also allow access for eastbound traffic via a right turn lane.' A two way access ramp would take vehicles over an existing flood wall with the access road to the coach park reducing to a single lane 3.5m wide over a distance of approximately 16.5m in front of the pedestrian entrance to the MSCP.

5.48 In addition to the new MSCP / revised coach park layout, the application includes the provision of a new shared cycle/footway to the east of the MSCP providing an alternative route from New Walk to Tower Street improving permeability through St George's Fields. As part of the wider masterplan, it is also intended to connect the shared cycle/footway to a new shared cycle/footway on the west bank of the River Foss on the north side of Tower Street via a new pedestrian/cycle crossing on Tower Street.

5.49 The overall provision of car parking in this area of the city centre would be reduced by 133 spaces from 505 to 372, consequently whilst the number of vehicles entering and exiting the new larger MSCP compared to the number currently entering and exiting the existing car park would be increased, this increase would not be considered to have a severe impact on the operation of the surrounding highway network. It is noted however that the new pedestrian / cycle crossing and the potential right-turn of Tower Street eastbound into the MSCP / coach Park will impose delays on the local highway network.

5.50 The key issues from a highways perspective relate to the following road safety issues;

- Effect of increased parking provision in the MSCP on road safety at Tower Street
- Forward visibility over the access ramps
- Dispersal of pedestrians and cyclists at Tower Street
- The proposed pedestrian crossing across the access to the MSCP / Coach Park

Effect of increased parking provision in the MSCP on road safety at Tower Street

5.51 The existing access to the St George's Field Car Park is close to the westbound approach lanes to the Tower Street / Bishopgate Street junction. The proximity of the access to the junction is such that safety could be adversely affected by an increase in vehicles turning in and out of the MSCP as a result of the higher number of parking spaces, and the route choices these vehicles take. Officers consider that these issues can be addressed by the proposal for the pedestrian crossing and signalised crossing which would be secured by condition.

Forward visibility over the access ramps

5.52 A two way access ramp would take vehicles over an existing flood wall with the access road to the coach park reducing to a single lane 3.5m wide over a distance of approximately 16.5m in front of the pedestrian entrance to the MSCP. In response to Officer concerns that there may be insufficient forward visibility over the ramps leading up to the MSCP vehicle entrance for coaches to safely exit the coach park without obstructing the section of single lane carriageway, an additional drawing illustrating the horizontal and vertical visibility over the ramp, has been submitted. This additional plan demonstrates that coach visibility on access ramp should be adequate.

Dispersal of pedestrians and cyclists at Tower Street

5.53 Although the Castle Gateway Masterplan details a crossing of Tower Street connecting the combined cycle path / footway from the MSCP side of Tower Street to the Castle Mills side of Tower Street, this crossing is not included within the application site. For the purposes of this application, the proposed cycle path / footway terminates at the car park access / Tower Street junction. At this location pedestrians can continue along the footway on the south side of Tower Street, but the walk distance to the nearest controlled crossing is more than 250m away. For

cyclists there is no apparent suitable route to continue from this point. Therefore, until such time as the crossing of Tower Street is in place, the proposed combined cycleway / footway has the potential to divert pedestrians and cyclists away from a well-used existing route (New Walk) without having an obvious destination at its northern end.

5.54 To address this issue, conditions requiring the new pedestrian / cyclist crossing over Tower Street and alterations to Tower Street (as included in the Transport Assessment) and a full three stage Road Safety Audit are recommended. This would prevent the MSCP coming into use until these highway works have been completed. An additional condition requiring an interim layout, to take account of the eventuality that the proposed crossing of Tower Street as part of the wider Castle Gateway Masterplan is not realised, is recommended.

The proposed pedestrian crossing across the access to the MSCP / Coach Park

5.55 Although Officers had raised concerns that the proposed pedestrian crossing across the MSCP access (close to the Tower Street junction and to the accesses to the Marina and Foss Basin) has the potential for vehicle pedestrian collisions to occur with the submitted drawings showing no separate delineation of the accesses to the Marina and the Foss Basin, it is considered that this issue can be satisfactorily addressed through the detailed design process and the Road Safety Audit process (to be required by condition).

FLOOD RISK AND DRAINAGE

5.56 Policy ENV4 of the 2018 Draft Plan is in accordance with Paragraph 163 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- And development is appropriately flood resilient and resistant;
- It incorporates sustainable drainage systems, unless there is clear evidence that would be inappropriate;
- Any residual risk can be safely managed;
- And safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.57 The proposed development is located within the floodplain of the River Foss (Flood Risk Zone 3) and therefore has a high probability of flooding. The submitted Flood Risk Assessment (FRA) demonstrates that the development would be safe to users and would not adversely impact on flooding elsewhere. In respect to ensuring safety of users, the car park would operate a system of closure of the ground floor of the MSCP and coach park area during flooding, or when flooding is expected. The access and remaining floors of the MSCP are located above the flood level and can remain in use during a flood event.

5.58 In terms of preventing adverse impacts to receptors elsewhere, the MSCP adopts a passive and flood sensitive design to minimise the impact on flood storage and conveyance. The use of such measures has reduced the loss of storage by 326 cubic metres representing approximately 1.5% of the total storage of St George's Field for the 1 in 100 year plus 30% climate change. The impact of the loss of floodplain caused by the MSCP is therefore considered to be negligible.

5.59 The Environment Agency raises no objection to the application subject to a condition that the development be carried out in accordance with the submitted flood risk assessment and the mitigation measures it details.

Drainage

5.60 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. 2018 Draft Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

5.61 The site currently drains via a conventional network of surface gullies which connect to underground piped drainage discharging to the River Ouse. As part of the development of St George's Field, it is proposed to retain the majority of the existing drainage strategy but include a number of aspects to provide improvements to both the quality and quantity of runoff discharged. The applicant has not undertaken phase 2 intrusive geo-environmental investigation but the Council's Drainage Engineer has confirmed there is sufficient evidence provided within the Archaeological Investigation Report to confirm infiltration methods for surface water disposal are not suitable in this location.

5.62 A CCTV survey has also not been carried out to prove existing connected impermeable areas and whilst this is essential to quantify the allowable discharge rates and final destination of these flows, it has been agreed that the CCTV survey can be carried out after determination of the application and be sought by way of condition. The applicant has been made aware that the size of the attenuation measures are dependent on this and this could affect the design of the site.

IMPACT ON NEIGHBOURING USES

5.63 The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. This is reflected in policy D1 of the 2018 Draft Plan which requires that development considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.64 There are residential dwellings to the west and south east of the development (on the opposite side of the River Ouse and Foss Basin respectively) within approximately 100 metres from the proposed MSCP. A Construction Environment Management Plan (CEMP) condition for minimising the creation of noise, vibration and dust during the site preparation and construction phases of the development, would be a requirement to minimise the impacts on local residents. In addition, as the site is located in a slightly darker area within the city centre and given that the development has the potential to cause light pollution and sky glow, a condition requiring the submission of a lighting scheme in which consideration is given to sky glow impact, luminaire intensity of the lighting and any impacts of brightness and angle of lighting towards the residential areas to the west and south east, is recommended.

5.65 The Design and Access Statement notes that the top floor of the MSCP provides a space which has significant potential for alternative uses other than car parking with the number of access points allowing for a space with a capacity of up to 500 people. The Statement provides examples of how the space could be used (drive in cinema, outdoor seating, pop up food stalls, markets, pop up playground) but notes that “no decision has yet been made on whether events will take place, what those events would be, and when they would happen”.

5.66 On the basis of the limited information provided, Officers note that whilst a limited number of events may be considered de-minimus, thereby not requiring planning permission, such events if more frequent, will require permission alongside other relevant consents such as licensing.

DESIGNING OUT CRIME

5.67 Policy D1 of the 2018 Draft Plan advises that developments should be designed to reduce crime and the fear of crime and promote public safety throughout the day and night.

5.68 The car park would be open and operational 24 hours a day and whilst it would not be staffed at night, it would be well lit, covered by CCTV and form part of the regular security patrols by the council's security contractor. The ground floor has been designed to be open to the adjacent public realm without any public fencing to ensure that debris does not accumulate on and damage any fencing when the river is in flood and to allow ease of post flood clean up. The Environment Agency required as few restrictions as possible to the flow of water through the ground floor of the car park.

5.69 The objections of the Designing Out Crime Officer that the open sided ground floor and the fact that it would not be staffed at night, makes the MSCP and its users vulnerable to crime and disorder, are noted. However, given that the MSCP would be open 24 hours with access available from other entry points, the merits of enclosing the ground floor, is questioned. It would be a Council car park and therefore staffing and security to address issues relating to crime and disorder, could be increased in the future should the need arise.

SUSTAINABILITY

5.70 Policy CC1 (Renewable and Low Carbon Energy Generation and Storage) of the 2018 Draft Plan requires all new buildings to achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The 28% reduction relates to reduction through renewable energy sources but it can also be achieved through a combined package including energy efficiency as set out in Policy CC2 (Sustainable Design and Construction). This is particularly relevant with a building such as a MSCP which, due its very nature, presents difficulties in providing energy efficiency measures.

5.71 For non-residential buildings, the 28% reduction applies and in meeting this, Policy CC2 sets out that for BREEAM, Excellent (or equivalent) should be achieved. In accordance with Policy CC2, the application is supported by a CEEQUAL pre-assessment. CEEQUAL is an evidence based sustainability assessment, rating and awards scheme for civil engineering, infrastructure, landscaping and public realm projects. This falls under the “or equivalent” part of Policy CC2.

5.72 CEEQUAL’s Methodology assesses the extent to which the project has exceeded statutory and regulatory standards. ‘Very good’ is a score of 60%, excellent is a score of 75%. The submitted CEEQUAL pre-assessment report concludes that a CEEQUAL ‘Very Good’ rating, with a target score of 70.61%, is currently anticipated. Very good standard represents advanced good practice and at 70.61% is well beyond the minimum for a very good score.

5.73 In addition to the CEEQUAL pre-assessment, the submitted sustainability statement demonstrates energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. This details that the building will have a durable concrete frame and sustainable materials including terracotta cladding and a green living wall and would make provision for 56no. electrical charging points equating to 15% of the total number of parking spaces above the current standard for CYC of 5% active / 5% passive provision. Southern facing roofs would be suitable for Photovoltaic cells (PVs).

5.74 In view of the above considerations, Officers consider that the proposed development is broadly compliant with Policies CC1 and CC2. A condition is recommended to ensure the multi storey car park is constructed to a CEEQUAL standard of at least 'Very Good'.

CONCLUSION

6.1 The proposed development forms a key component of the York Castle Gateway Masterplan development proposals, which are addressed in Policy SS5 of the 2018 Draft Plan and offers the opportunity for alternative car parking arrangements to replace the existing parking at Castle car park. The site falls within Flood Risk 3 and lies in a sensitive location within the New Walk Terrace / Terry Avenue Conservation Area and in the Area of Archaeological Importance. In accordance with paragraph 11 of the NPPF, the more restrictive heritage assets and flood risk policies in the

NPPF apply. The proposal, by virtue of its scale and massing, would result in harm to the setting of a number of designated and non-designated (archaeology) heritage assets.

6.2 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to result is considered to be less than substantial and is outweighed by the environmental and social benefits associated with the closure of the Castle car park and improvements to pedestrian and cycle connectivity within the wider neighbourhood. Whilst the harm is assessed as being less than substantial, such harm has been afforded considerable importance and weight in the overall planning balance.

6.3 As set out in section 5, other identified potential harms to flood risk, highway safety, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

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 and other submitted details:-

SGF-BDP-ZZ-XX-DR-A-00-1001 (Site Location with red line boundary)
SGF-BDP-ZZ-XX-DR-A-00-1010 Rev A (Red line boundary and Castle Car Park Ownership Plan)
SGF-BDP-ZZ-01-DR-A-20-1101_D (Site Plan Vehicular Access - Level 01)
SGF-BDP-ZZ-05-DR-A-20-1102_C (Site Plan Roof Level)
SGF-BDP-ZZ-SEC-DR-A-20-1271 (Coach Visibility on Access Ramp)

SGF-BDP-ZZ-00-DR-A-20-1210_E (Proposed Ground Floor Plan)
SGF-BDP-ZZ-01-DR-A-20-1211_C (Proposed Plan - Level 01)
SGF-BDP-ZZ-02-DR-A-20-1212_C (Proposed Plan - Level 02)
SGF-BDP-ZZ-03-DR-A-20-1213_C (Proposed Plan - Level 03)
SGF-BDP-ZZ-04-DR-A-20-1214_C (Proposed Plan - Level 04)

SGF-BDP-ZZ-05-DR-A-20-1215_C (Solar Canopy)

SGF-BDP-ZZ-ELE-DR-A-20-1240_B (Proposed Elevations 1 of 3)

SGF-BDP-ZZ-ELE-DR-A-20-1241_B (Proposed Elevations 2 of 3)

SGF-BDP-ZZ-ELE-DR-A-20-1242_B (Proposed Elevations 3 of 3)

SGF-BDP-ZZ-SEC-DR-A-20-1270_A (Proposed Sections)

SGF-BDP-ZZ-ZZ-DR-A-20-1310_B (Typical Bays 01 & 02)

SGF-BDP-ZZ-ZZ-DR-A-20-1311_B (Typical Bays 03 & 04)

SGF-BDP-ZZ-ZZ-DR-A-20-1312_B (Typical Bay 05)

SGF-BDP-ZZ-XX-DR-L-90-001 P02 (Illustrative Masterplan)

SGF-BDP-ZZ-XX-DR-L-90-002 (Landscape Planting - Strategy Plan)

SGF-BDP-ZZ-XX-DR-L-90-003 (Tree Removal Plan)

SGF-BDP-ZZ-XX-DR-L-90-004 (Tree Constraints Protection Plan)

SGF-BDP-ZZ-XX-DR-L-90-005 (Landscape Long Sections 1 of 2)

SGF-BDP-ZZ-XX-DR-L-90-006 P01 (Landscape Long Sections 2 of 2)

SGF-BDP-ZZ-XX-DR-L-90-101 Rev P02 (Landscape General Arrangement 1 of 2)

SGF-BDP-ZZ-XX-DR-L-90-102 Rev P01 (Landscape General Arrangement 2 of 2)

SGF-BDP-ZZ-XX-DR-L-90-201 P01 (Landscape Proposed Levels Plan Sheet 1 of 2)

SGF-BDP-ZZ-XX-DR-L-90-202 P01 (Landscape Proposed Levels Plan Sheet 2 of 2)

SGF-BDP-ZZ-XX-DR-L-90-301 (Field Sketch)

Flood Risk Assessment (70034291-FRA-001, dated September 2019)

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. Prior to the commencement of above ground development, 1:20 annotated and dimensioned drawings in plan, section, elevation and possible 3D (as necessary to describe complexity) for the following detail types, are to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details;

- (i) Typical bay drawings for each wall type, where varying in design, and/or wall material. To include interfaces at ground level and upper parapet or roof level where appropriate.
- (ii) Typical public staircases, ramps, viewing platforms and any externally visible balustrading.
- (iii) Any exposed soffits and their transitions.
- (iv) All external boundary treatment, including gates.
- (v) All types of retaining walls where not soft landscape finished and where larger

than 1m change in level.

- (vi) Details of the solar canopy (at a scale of 1:10) showing the design of the structure supporting the panels and the design of the panels themselves.
- (vii) Details of the terracotta cladding proposed and the 'ribbed' pattern design.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Conservation Area.

4. On-site sample panels of bricks, in each type of brick, in each type of bond, including chosen mortar and pointing, and including any special brick features, shall be erected on the site, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The sample panel shall be 2x1.2m minimum overall. If multiple combinations of brick and/or bond are proposed each type to be 1x1.2m. The agreed panel is also to represent a minimum standard for the quality of workmanship that the development should achieve, and the panel shall remain on site for the duration of the brickwork package.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

5. Notwithstanding any proposed materials specified on the approved drawings or other documents submitted with the application, samples of all proposed external building 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 building envelope. For clarity, this includes vision and any non-vision glazing, flat or pitched roofs. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices, it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located. Samples should be provided of sufficiently large size to be able to appropriately judge the material (including joints/fixings where an important part of the visual quality of the material), and to be provided together where materials are seen together.

Reason: So as to achieve a visually cohesive appearance.

6. On-site mock-up sample constructions for the following building parts are to be constructed, and subsequently approved in writing by the Local Planning Authority prior to their full construction. The mock up should be 1:1 scale but shortened overall sizes of elements can be included. The contents and size of the mock-ups shall be agreed by the Local Planning Authority in advance of their construction.

- (i) Corten perforated cladding car park bay

(ii) Terracotta cladding car park bay

Reason: To explain the construction interfaces in three dimensions and impart an overall impression of quality of the proposed construction systems at important locations and/or for highly repeated features, in order to ensure the achievement of an overall satisfactory standard of construction quality.

7. For flat roofs in situations with a solid roof parapet (1m or higher, as shown on permitted drawings), service penetrations (ducts, vents etc.) shall be no higher than the top of parapet. Any such proposals above parapet level shall be submitted to and approved in writing by the Local Planning Authority. Permanent external wall fixed equipment used to service the building are not permissible unless subsequently agreed by the Local Planning Authority through the submission of drawings.

Reason: In the interests of the character and appearance of the Conservation Area.

8. Prior to the construction of any works above the ground floor slab, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving, and street furniture. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants that die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority agrees alternatives in writing.

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

9. Prior to the commencement of development including demolition, excavations, building operations, a complete and detailed Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of works, types of construction machinery/vehicles to be used, means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary

treatments is proposed within the root protection area of existing trees. The development shall be carried out in accordance with the approved Method Statement. 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 which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

10. Prior to the construction of any works above the ground floor slab, the final construction details, including the irrigation system, management details, and planting specifications, for the proposed green wall shall be submitted to and approved in writing by the Local Planning Authority. The green wall shall be implemented and maintained in accordance with the approved details, unless otherwise agreed in writing, for the life of the development.

Reason: The green wall is part of the approved design intention and visual mitigation of the development.

11. Prior to the development being occupied, a scheme for external lighting (building and open spaces) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting and shall include plans and elevations as necessary and technical and non-technical documentation, in order to explain the quality of the lighting proposal and to demonstrate non-intrusive impact of the proposal to both expert and non-expert. The development shall be carried out in accordance with the approved lighting scheme. Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

Note: The lighting scheme shall be informed and accompanied by a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for the appropriate Environmental Zone contained within the table taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: To ensure that the development is well lit, providing natural surveillance and make it safe for users. To safeguard residential amenity. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument. Night time illumination may potentially impact on the night time

ambience of the conservation area. To ensure that the proposed development is not unduly prominent within the conservation area and wider views of the city. On ecology grounds - to minimise light spill onto surrounding trees and the rivers.

12. The development hereby permitted shall not come into use until details of an ecological scheme of enhancement to comprise of integrated bat and bird boxes has been submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed/constructed prior to first use of the development in accordance with the approved details and thereafter retained.

Reason: To take account of and to enhance the habitat for a protected species.

13. A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and the nearby junctions, stage 1 of which must be submitted to and agreed in writing by the LPA prior to works commencing on site. More specifically, the RSA should include an assessment of:

- The MSCP / coach park exit onto Tower Street (taking account of additional vehicles exiting arising from the car park being made larger)
- The Tower street Bishopgate Street junction (taking account of additional vehicles exiting arising from the car park being made larger)
- The section of Tower Street from its junction with Fulford Road / Paragon Street and the its junction with the MSCP access
- The access ramps to the MSCP vehicle entrance and the Coach Park
- The combined cycleway / footway, particularly its northern termination
- The pedestrian crossing in the vicinity of the MSCP access junction with Tower Street and the accesses to the Marina and the Foss Basin

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

14. Prior to development taking place, details of an interim layout to account for the eventuality that the proposed crossing of Tower Street as part of the wider Castle Gateway Masterplan is not realised is to be submitted to and approved in writing by the Local Planning Authority. The interim layout is to be informed by the Road Safety Audit.

Reason: In the interests of the safe and free passage of highway users.

15. Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development hereby permitted shall be implemented and thereafter operated in accordance with the approved details.

Reason: In the interests of highway safety.

16. The development hereby permitted shall not come into use until the following highway works (at the junction of the access to MSCP / coach park and Tower Street, have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same;

- construction of the combined cycleway / footway on east side,
- enlarged paved area on west side
- pedestrian / cycle crossing and
- all required works on Tower Street

Reason: In the interests of the safe and free passage of highway users.

17. Prior to first use of the car park, 56 no. Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles (parking bay markings and signage should reflect this). Prior to first use, an Electric Vehicle Recharging Point Management Plan will be submitted to the Council for approval in writing (such approval not be unreasonably withheld or delayed) that will detail the management, maintenance, servicing and public access arrangements for each Electric Vehicle Recharging Point for a minimum period of 10 years.

Reason; To provide facilities for charging electric vehicles on the site, in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Notes

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council.
- Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

18. Prior to the commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The

investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

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

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

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

20. Prior to first use of the development hereby approved, the approved remediation

scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

21. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

22. Except in case of emergency, no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

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

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

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

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

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

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

planning.enforcement@york.gov.uk

Reason: To protect the amenity of the locality

24. Any and all piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

Reason: To protect the amenity of local residents

25. The development shall be carried out in accordance with the submitted flood risk assessment (70034291-FRA-001 dated September 2019) and the following mitigation measures it details:

- The finished floor level of the first floor shall be set no lower than 11.75 metres above Ordnance Datum (AOD)
- The works shall be completed in accordance with table 5-1 to include but not limited to, the ramp to be built from box culverts, no increase in ground levels on landscaped areas or the coach park
- The ground floor of the car park is to be designed and built in such a manner that it allows the free ingress and egress of flood flows
- A maintenance plan and regime is to be written and approved in writing to ensure that there is no loss of storage on the site as a result of siltation following a flood event.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing / phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons:

- To reduce the risk of flooding to the proposed development and future occupants,
- To reduce the risk of flooding elsewhere by ensuring that loss of flood storage on the site is minimised,
- To ensure that the ground floor of the car park is able to flood freely,
- To ensure that the flood storage on the site is not reduced over time, and that the maximum flood storage volume is available for the lifetime of the development.

26. All spoil / arisings shall be removed from the floodplain and disposed of appropriately.

Reason: To ensure that there is no loss of storage on the floodplain.

27. The proposed benches shown on drawings in the landscaped areas are to be designed and built in accordance with the drawing "The Field Sketch" (Dwg.No. SGF-BDP-ZZDR-L-90-301).

Reason; To ensure that flood waters are able to flow freely across the site which is classed as functional floodplain, and that they are not diverted elsewhere.

28. No construction works on the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority in consultation with the relevant statutory undertaker. The details shall include but not be exclusive to the means of ensuring that access to the pipes for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion of the infrastructure, the developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area (s), the approved works have been undertaken.

Reason; In the interest of public health and maintaining the public sewerage network.

29. A programme of post-determination archaeological mitigation, specifically an archaeological watching brief and excavation where necessary is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved.

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

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

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

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

30. No development shall commence until a foundation design and statement of working methods (including a methodology for identifying and dealing with obstructions to piles and specification of a level in mAOD below which no destruction or disturbance shall be made to archaeological deposits except for that caused by the boring or auguring of piles for the building foundation) which preserve 95% of the archaeological deposits on the site has been approved in writing by the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy HE10.

Reason: The site lies within an Area of Archaeological Importance or the site is of Archaeological Interest which contains significant archaeological deposits. The development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

31. Wet, organic archaeological deposits survive on this site which merit preservation in-situ. An archaeological programme of hydrological and water quality monitoring is required on this site to assess continued in-situ preservation. The archaeological programme comprises 4 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority which sets out how appropriate hydrological and water quality monitoring will be introduced on the site and how it will be assessed and reported at suitable intervals. The WSI should conform to standards outlined in guidance written by CYC and from Chartered Institute for Archaeologists.

B) Installation of hydrological and water quality monitoring devices shall be completed in accordance with the programme set out in the WSI approved under condition (A)

C) Evidence of provision for monitoring of and analysis and reporting on data from the hydrological and water quality monitoring devices for a period of 5 years shall be submitted in the form of an annual interim report and approved by the Local Planning Authority.

D) A copy of the final report on the archaeological programme detailed in the WSI will be deposited with City of York Historic Environment Record within six months of the completion of the monitoring period or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF and the latest guidance from Historic England on in-situ preservation of organic deposits and subsequent monitoring.

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant undesignated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The effect on these deposits must be monitored following construction of the new build.

32. The multi storey car park hereby approved shall be constructed to a CEEQUAL standard of at least 'Very Good'. A formal Post Construction assessment by a licensed CEEQUAL assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed in writing). Should the development fail to achieve a 'Very Good' CEEQUAL rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Very Good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the 2018 Draft Plan.

33. Within three months of St George's Field Multi-storey Car Park becoming operational, Castle Car Park, identified on drawing number SGF-BDP-ZZ-XX-DR-A-00-1010 Rev A (Red line boundary and Castle Car Park Ownership Plan), shall be permanently closed with all ticket machines, and associated car park signs removed, and details of an interim surfacing scheme has been approved in writing by the Local Planning Authority. The approved interim surfacing scheme shall be implemented within 6 months of the car park closing unless a scheme and timetable for the implementation of permanent public realm works has been approved by the Local Planning Authority.

Reason: The construction of the multi-storey car park is considered to result in less than substantial harm to designated heritage assets, the identified harm is only justified where outweighed by public benefits namely the closure of the Castle Car Park and associated environmental improvements. This is in accordance with Sections 66 and 72 of the Planning (Listed Building and Conservation Area) Act

1990, Section 12 of the NPPF and Emerging Local Plan Policy.

34. Notwithstanding the details submitted, before the development is brought into use, a scheme for security at the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use. 6 months after the development is brought into use, a review of the implemented security measures shall be submitted to the Local Planning Authority. The review and any agreed changes shall be brought into use within 3 months of the date the review is agreed in writing with the Local Planning Authority. The agreed security measures shall be retained and maintained for the lifetime of the development.

Reason; In the interests of security at the site and in accordance with Section 8 of the NPPF and Policy D1 of the 2018 Draft Plan which advises that developments should be designed to reduce crime and the fear of crime and promote public safety throughout the day and night.

35.No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

36. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

37.Prior to the development being brought into use a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The measures detailed within the approved flood evacuation plan shall be adhered to thereafter throughout the lifetime of the development.

Reason; To ensure the development is safe for its users in accordance with NPPF paragraph 163.

8.0 INFORMATIVES: Notes to Applicant

Application Reference Number: 19/02063/FULM

Item No: 4a

1. Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take 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)
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. The requirements for permitting are separate to and in addition to any planning permission granted.

2. Enhancement opportunities

There are opportunities within this site to better reveal the surrounding listed and scheduled buildings as well as highlighting the conservation areas. In particular St George's Chapel should be presented and interpreted for members of the public as part of this development.

Contact details:

Case Officer: Rachel Tyas
Tel No: 01904 551610

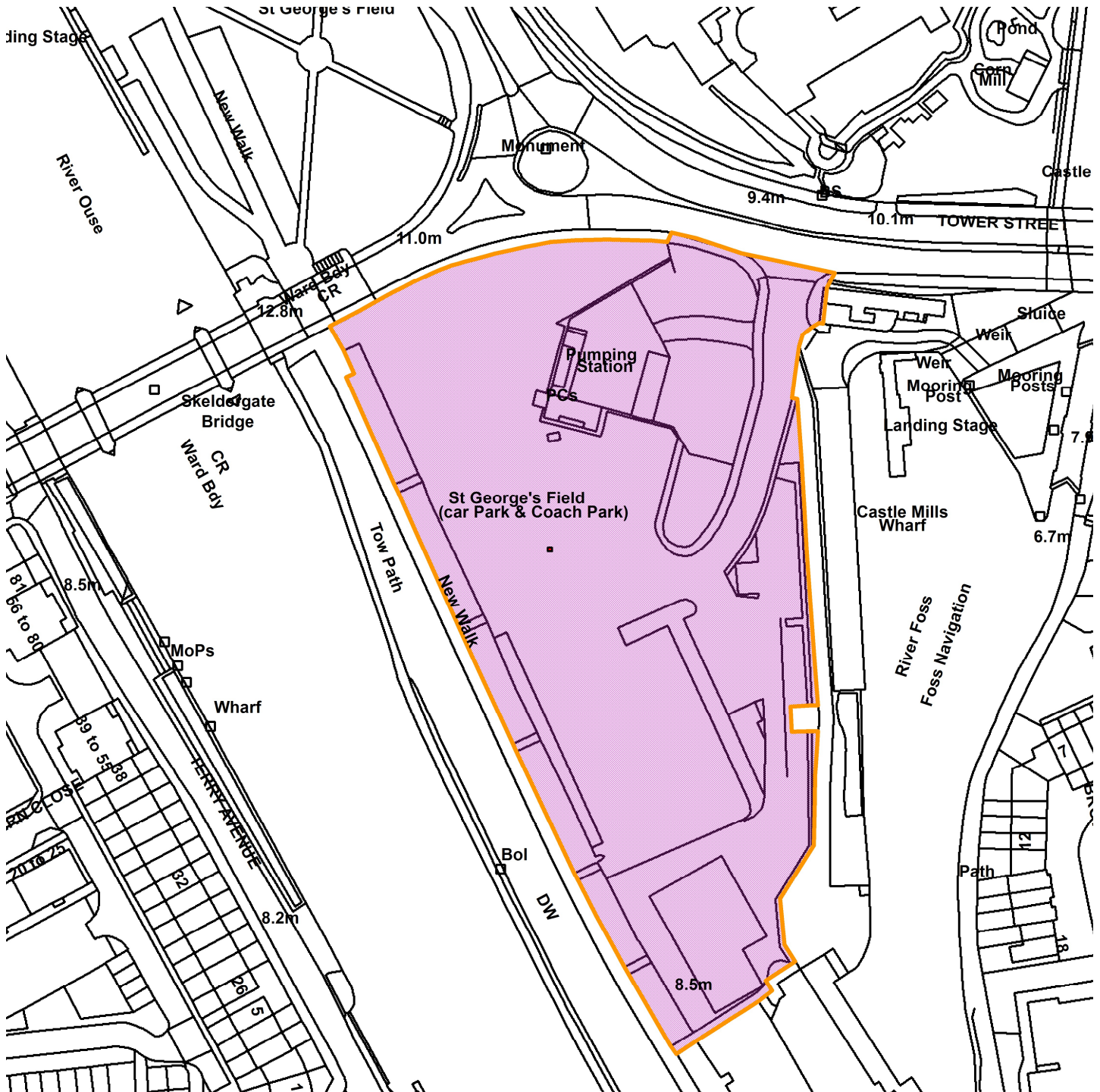
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St Georges Field Car Park, York

19/02063/FULM



GIS by ESRI (UK)



Scale : 1:1368

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	06 November 2020
SLA Number	

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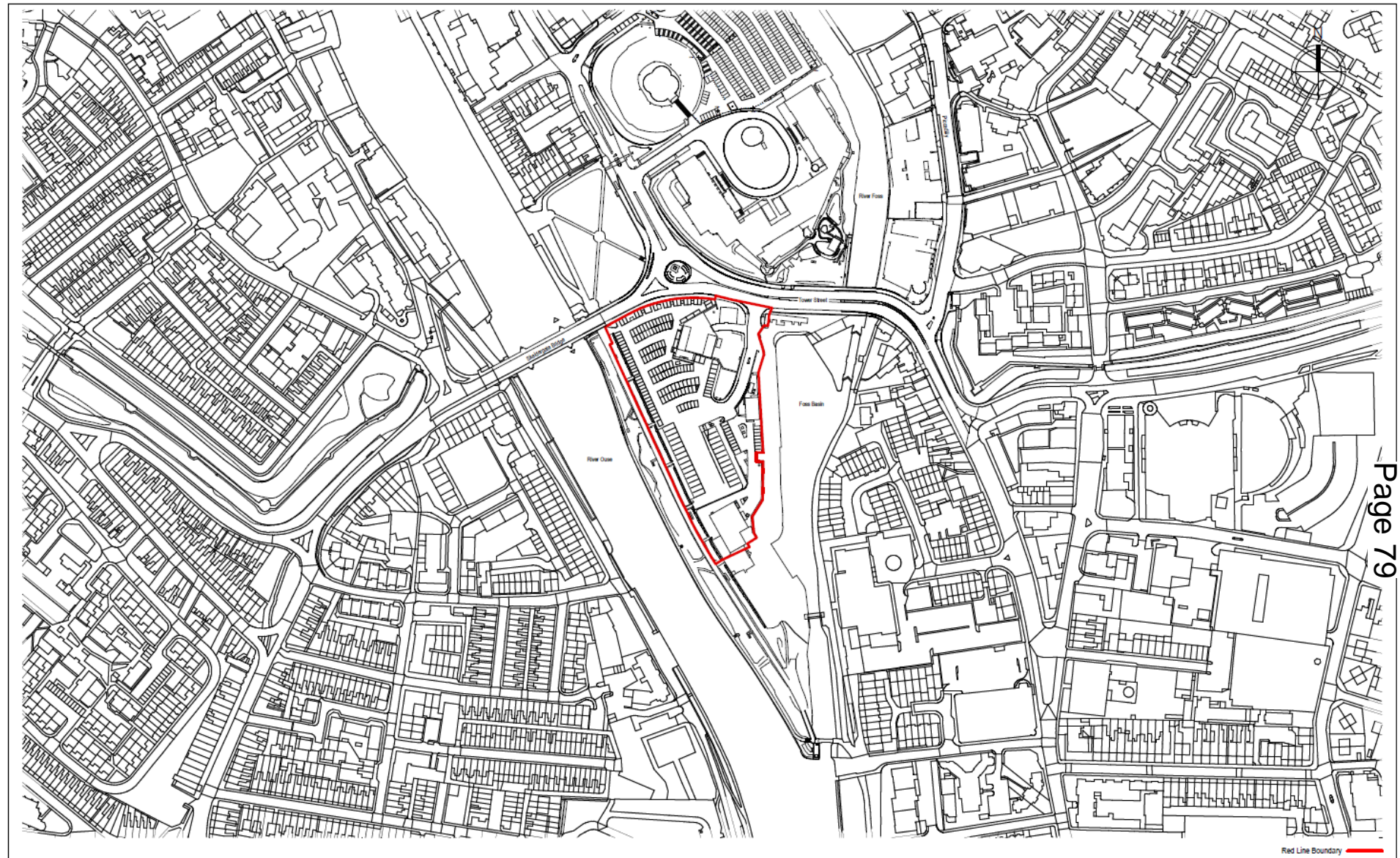
Planning Committee

To be held remotely on Thursday 7th January 2021

19/02063/FULM - St Georges Field Car Park, Tower Street, York.

Erection of 5 level multi-storey car park with canopy to roof to provide 372 no. car parking spaces, demolition of public toilet, revised highway access and associated landscaping works

Site Location Plan



Page 79

Red Line Boundary

<p>NOTES</p> <p>1. ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS UNLESS OTHERWISE SPECIFIED.</p> <p>2. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>3. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>4. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>5. ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p>		<p>City of York Council</p>	<p>CITY OF YORK COUNCIL</p>	<p>BDP.</p> <p>3-31 Paul's Place 120 Norfolk Street Sheffield S1 2AE United Kingdom T +44 (0)114 273 1641 www.bdp.com</p>	<p>St George's Field Multi-Storey Car Park</p> <p>P2008399 Commercial in Confidence</p> <p>Site Location Plan with Red Line Boundary</p> <p>1:1250</p> <p>15/10/18</p> <p>SGF-BDP-ZZ-XX-DR-A-00-1001</p>
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Proposed Elevations (1)

KEY TO MATERIALS

- Terracotta tile - ribbed profile with varying depths (weathervane solar screen)
- Terracotta 'baguette' (colour and finish to match tile)
- Concrete structural beam
- Precast double 'T' concrete plank with 75mm structural topping
- Concrete structural column
- Metall balustrade guard rail
- Green living wall system
- Bracket and rail system for green wall
- Corten perforated cladding (pattern design TBC)
- Corten sheet cladding to feature steel
- Wire cable guardrail
- Screening to flood wall
- Steel frame solar canopy structure
- Brick to match existing pumping station
- Terracotta wall and bracket system TBC
- Corten wall glazing with glazed opaque spandrel panels
- Glazed terracotta tile (green colour tbc)
- Metall knee rail (galvanneal steel)
- Colour render (dark grey)
- Steel mesh to prevent unauthorised access

South Elevation
1:200

North Elevation
1:200

Level 05, Solar Canopy
24.700 m
Level 04
20.750 m
Level 03
17.750 m
Level 02
14.750 m
Level 01
11.750 m
Level 00
8.600 m

Level 05, Solar Canopy
24.700 m
Level 04
20.750 m
Level 03
17.750 m
Level 02
14.750 m
Level 01
11.750 m
Level 00
8.600 m

Substation
Existing Pumping Station

0 5 10 15 20 25m

NOTES

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CONTRACTOR SHALL BE KEEN TO CONSULT WITH THE FOLLOWING BEFORE COMMENCEMENT:

- THE CITY OF YORK DESIGNER
- THE ARCHITECT AND DESIGNER
- THE PROJECT TEAM

ID	Description	SJ	SM	1.10.18
B	Planning Issue	SJ	SM	1.10.18
A	Final floor levels raised to +10.0m (Height to allow on top deck. Timber cladding replaced with terracotta tile).	SJ	SM	21.08.18
	Final Issue	SJ	SM	1.10.18

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St George's Field Multi-Storey Car Park

P2008399 Commercial in Confidence

Proposed Elevations_Sheet 1 of 3 As indicated

12/10/18

SGF-BDP-ZZ-ELE-DR-A-20-1240 B

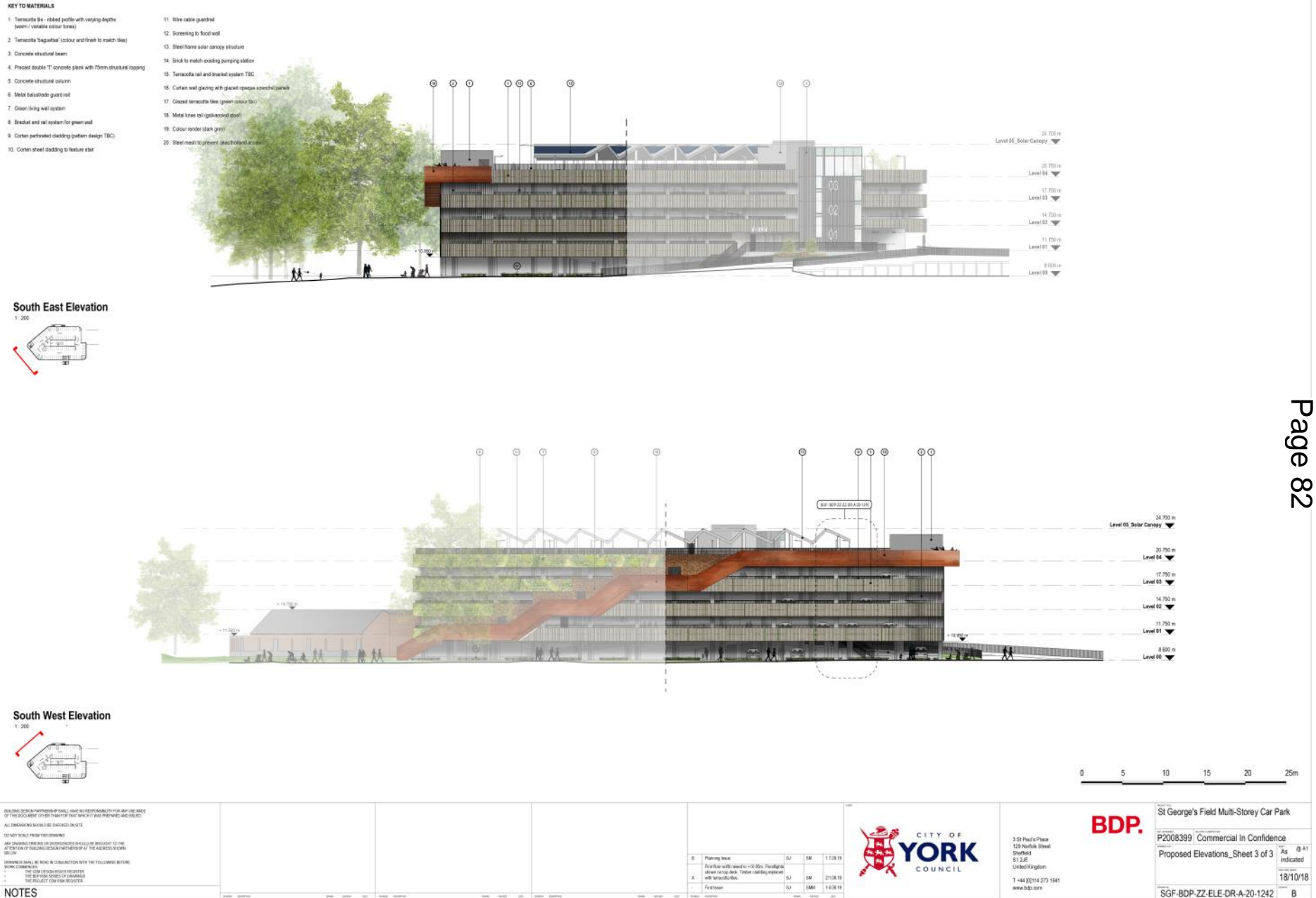


Proposed Elevations (2)

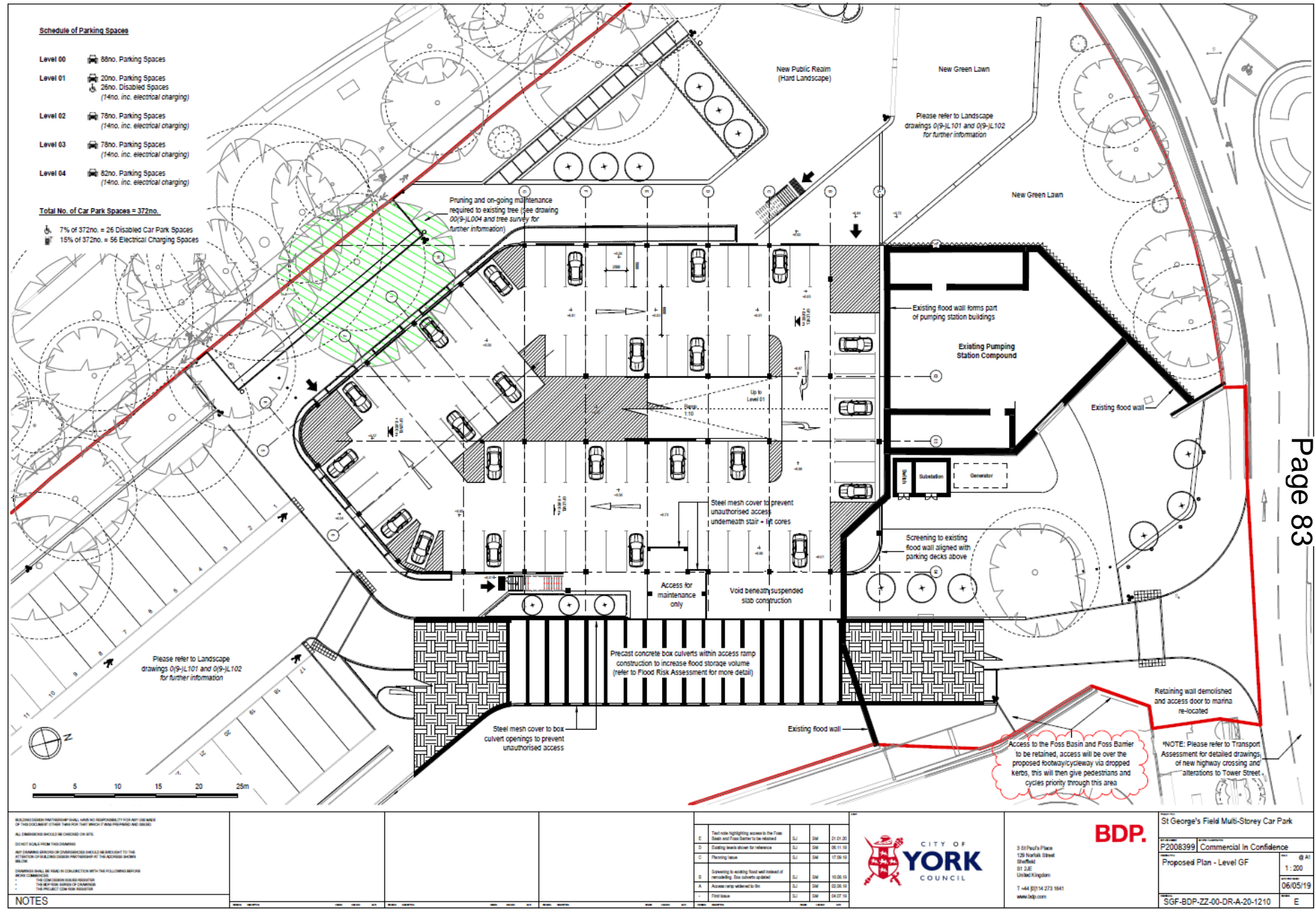


<p>NOTES</p> <p>DELIVERED BY THE ARCHITECTURE TEAM. HAVE NO RESPONSIBILITY FOR ANY USE BEYOND OF THE DOCUMENT'S INTENDED PURPOSE OR THAT WHICH IS ASSUMED BY THE USER.</p> <p>ALL DIMENSIONS SHOULD BE CHECKED ON SITE.</p> <p>DO NOT SCALE FROM DRAWINGS.</p> <p>ANY DIMENSION OR INFORMATION SHOULD BE REFERENCED TO THE ARCHITECT'S DRAWINGS OR SPECIFICATIONS AT THE ADDRESS BEHIND THIS SIGN.</p> <p>OWNERS SHOULD BE AWARE IN CONSULTATION WITH THE FOLLOWING AUTHORITIES:</p> <ul style="list-style-type: none"> THE CITY OF YORK COUNCIL THE CITY OF YORK POLICE THE POLICE COMMUNICATIONS CENTRE 	<p>B Planning hour</p> <p>A First floor with canopy in 100% (Footlight above on top deck - fabric cladding replaced with terracotta tiles)</p> <p>C First floor</p>	<p>SJ SM 17/08/18</p> <p>SJ SM 21/08/18</p> <p>SJ SM 18/08/18</p>		<p>3/14 Paul's Place 125 Norfolk Street Sheffield S1 2JE United Kingdom</p> <p>T: +44 (0)114 273 1641 www.bdp.com</p>	<p>BDP.</p>	<p>St George's Field Multi-Storey Car Park</p> <p>P2008399 Commercial In Confidence</p> <p>Proposed Elevations_Sheet 2 of 3</p> <p>SGF-BDP-ZZ-ELE-DR-A-20-1241</p>	<p>As indicated</p> <p>12/10/18</p> <p>B</p>
	<p>NOTES</p>						

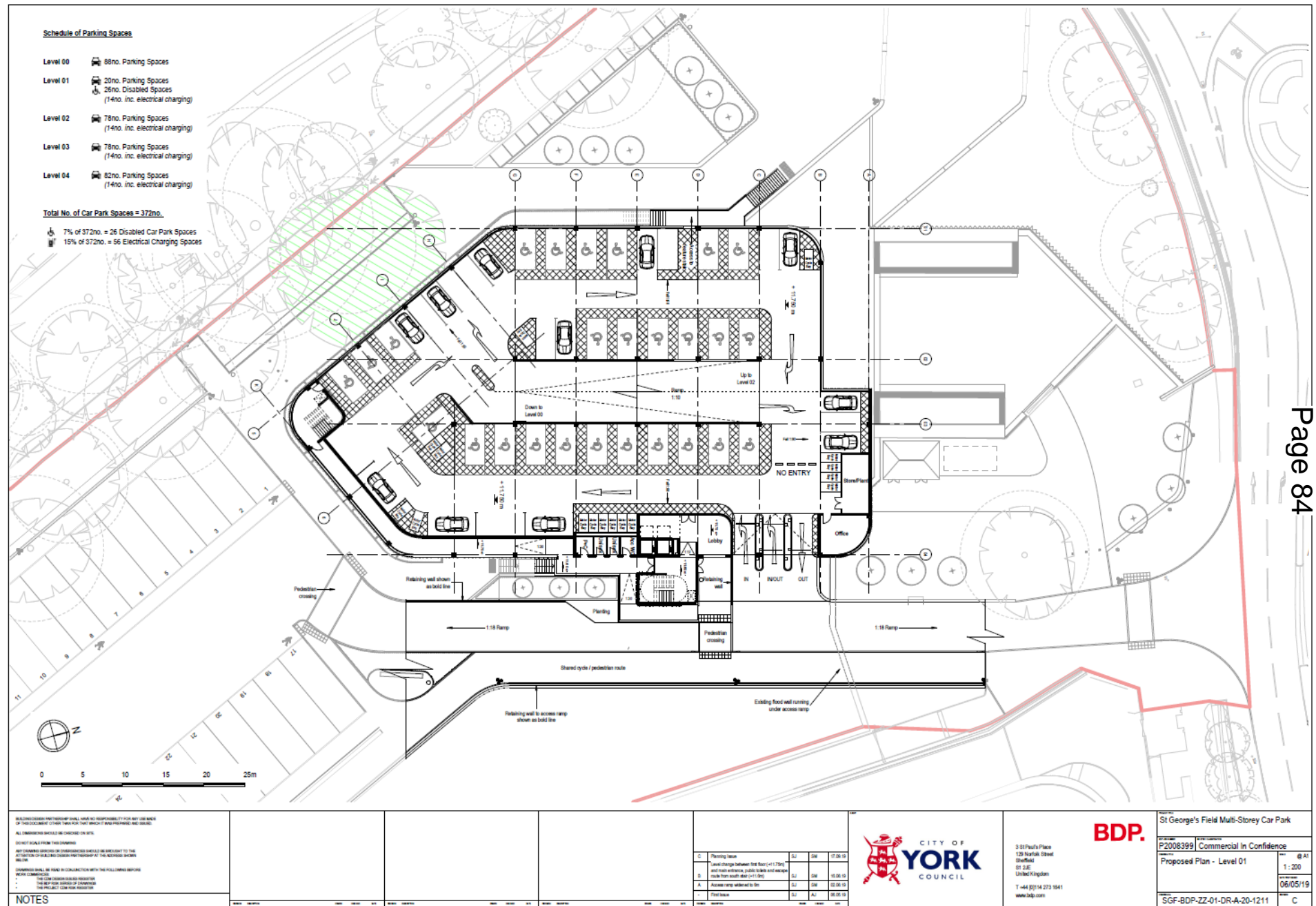
Proposed Elevations (3)



Proposed Ground Floor Plan



Proposed Level 1 Plan



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St George's Field Multi-Storey Car Park	
P2008399	Commercial in Confidence
Proposed Plan - Level 01	1:200
	06/05/19
SGF-BDP-ZZ-01-DR-A-20-1211	C

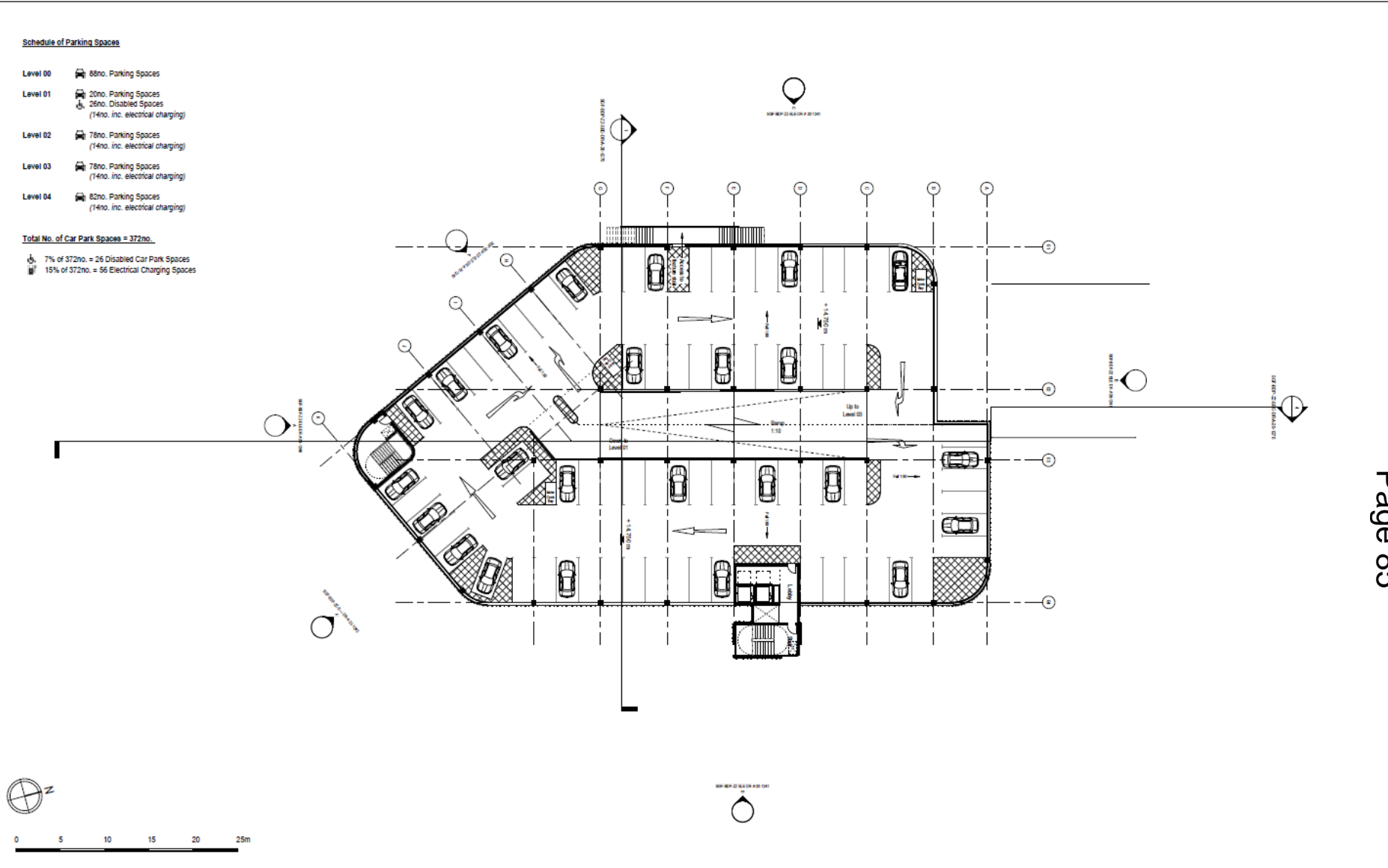
Proposed Plan Level 2

Schedule of Parking Spaces

- Level 00 88no. Parking Spaces
- Level 01 20no. Parking Spaces
 26no. Disabled Spaces
(14no. inc. electrical charging)
- Level 02 78no. Parking Spaces
(14no. inc. electrical charging)
- Level 03 78no. Parking Spaces
(14no. inc. electrical charging)
- Level 04 82no. Parking Spaces
(14no. inc. electrical charging)

Total No. of Car Park Spaces = 372no.

- 7% of 372no. = 26 Disabled Car Park Spaces
- 15% of 372no. = 56 Electrical Charging Spaces



NOTES

1. BUILDING CONTROL PARTNERSHIP SHALL HAVE NO RESPONSIBILITY FOR ANY USES OTHER THAN THAT SPECIFIED IN THE ORIGINAL DRAWING AND SHALL BE RESPONSIBLE FOR ANY CHANGES TO THE ORIGINAL DRAWING.

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- THE TOP SURFACE OF THE FOUNDATION
- THE REFERENCE LEVEL OF DRAINAGE
- THE PROJECT CONSTRUCTION

NO.	REVISION	DATE	BY	CHKD.	APPD.
1	Issued for construction	17.06.19	SG	DM	
2	Design changes after approval to include bridge works	15.06.19	SG	DM	
3	As per notes submitted to SG	02.06.19	SG	DM	
4	Final Issue	26.05.19	SG	AM	



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St George's Field Multi-Storey Car Park

P2008399 Commercial in Confidence

Proposed Plan - Level 02

Scale: 1:200

Date: 06/05/19

SGF-BDP-ZZ-02-DR-A-20-1212

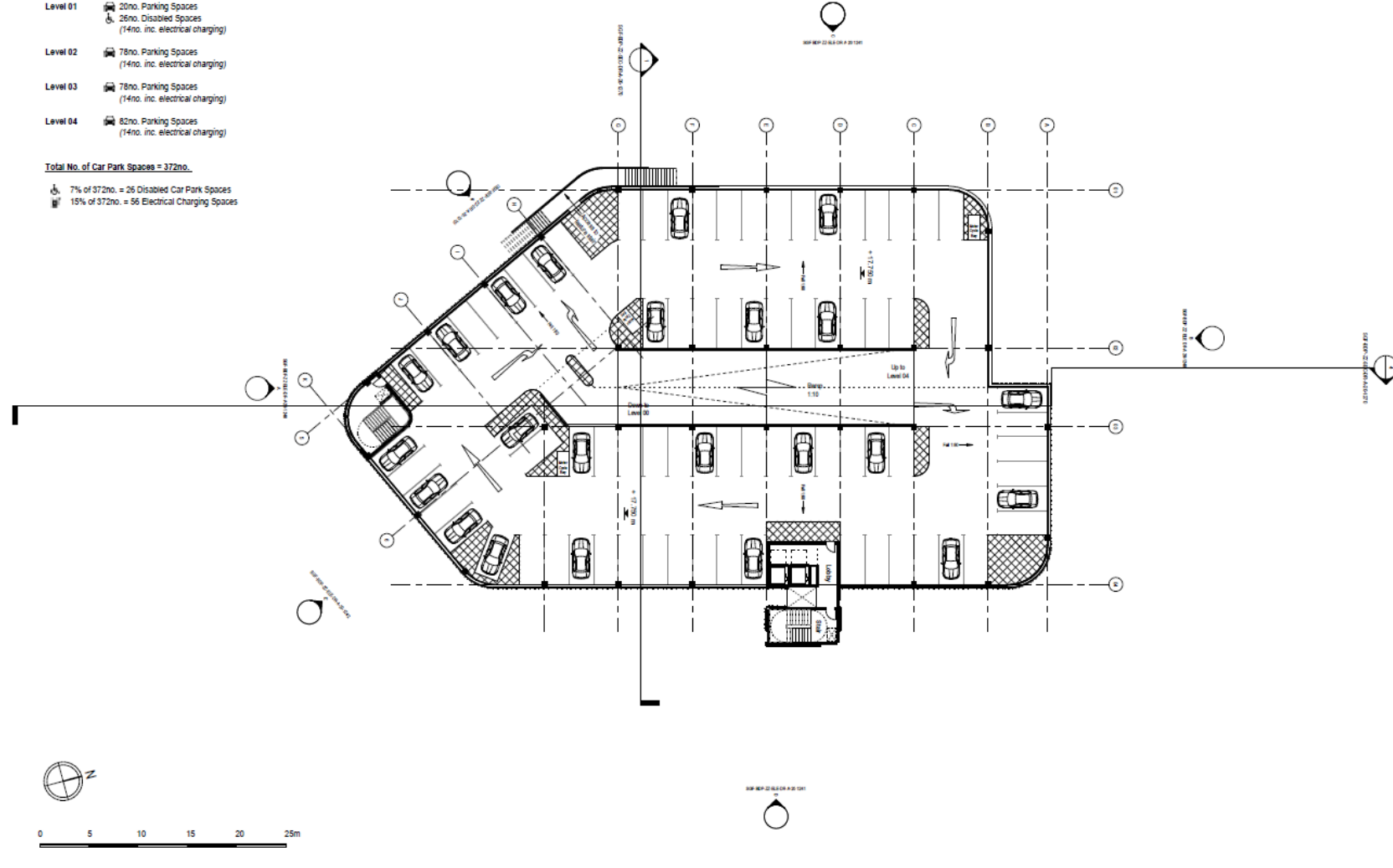
Proposed Plan Level 3

Schedule of Parking Spaces

- Level 00 88no. Parking Spaces
- Level 01 20no. Parking Spaces
 26no. Disabled Spaces
(14no. inc. electrical charging)
- Level 02 78no. Parking Spaces
(14no. inc. electrical charging)
- Level 03 78no. Parking Spaces
(14no. inc. electrical charging)
- Level 04 82no. Parking Spaces
(14no. inc. electrical charging)

Total No. of Car Park Spaces = 372no.

- 7% of 372no. = 26 Disabled Car Park Spaces
- 15% of 372no. = 56 Electrical Charging Spaces



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- THE CITY OF YORK COUNCIL DEVELOPMENT PLAN
- THE CITY OF YORK COUNCIL LOCAL PLAN
- THE CITY OF YORK COUNCIL LOCAL PLAN POLICY
- THE CITY OF YORK COUNCIL LOCAL PLAN POLICY

NOTES

C	Planning Issue	SJ	089	07.08.19
D	Design & escape stair updated to include wheelchair access	SJ	090	16.08.19
A	Access ramp updated to 1:12	SJ	090	20.08.19
-	Final Issue	SJ	091	06.09.19



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St George's Field Multi-Storey Car Park	
P2008399	Commercial in Confidence
Proposed Plan - Level 03	© A1
	06/05/19
SGF-BDP-ZZ-03-DR-A-20-1213	C



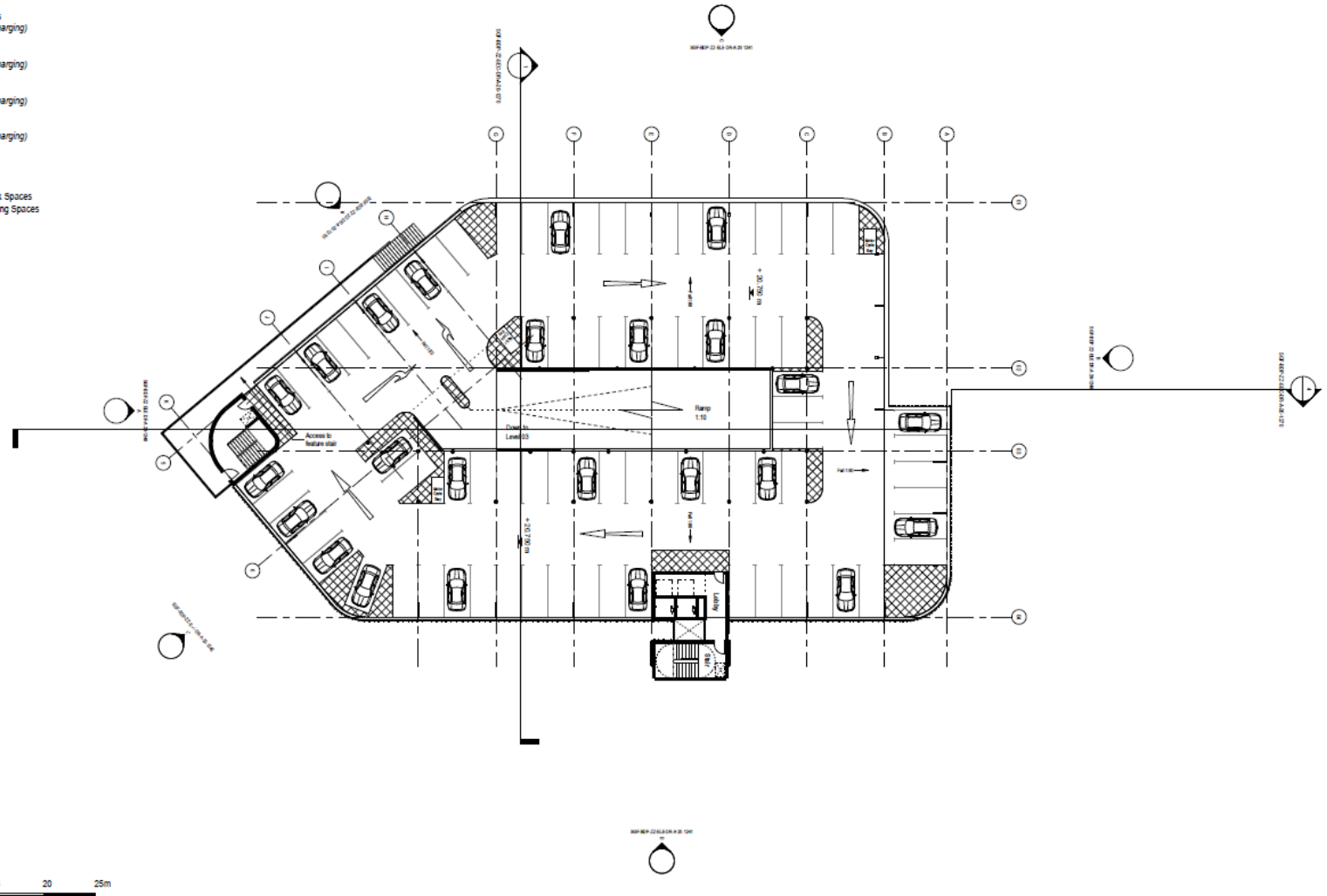
Proposed Plan Level 4

Schedule of Parking Spaces

- Level 00 88no. Parking Spaces
- Level 01 20no. Parking Spaces
 25no. Disabled Spaces
(14no. inc. electrical charging)
- Level 02 78no. Parking Spaces
(14no. inc. electrical charging)
- Level 03 78no. Parking Spaces
(14no. inc. electrical charging)
- Level 04 82no. Parking Spaces
(14no. inc. electrical charging)

Total No. of Car Park Spaces = 372no.

- 7% of 372no. = 26 Disabled Car Park Spaces
- 15% of 372no. = 56 Electrical Charging Spaces



0 5 10 15 20 25m

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1. THE CITY OF YORK COUNCIL'S APPROVAL.
2. THE CITY OF YORK COUNCIL'S APPROVAL.
3. THE CITY OF YORK COUNCIL'S APPROVAL.

NOTES

Code	Description	SL	DM	Issue Date
C	Parking Issues	SL	DM	17.06.19
B	Access ramp (see attached to column 14) (see space - layout of building to column 14)	SL	DM	16.06.19
A	Access ramp (see attached to column 14)	SL	DM	16.06.19
-	2nd Issue	SL	DM	06.05.19



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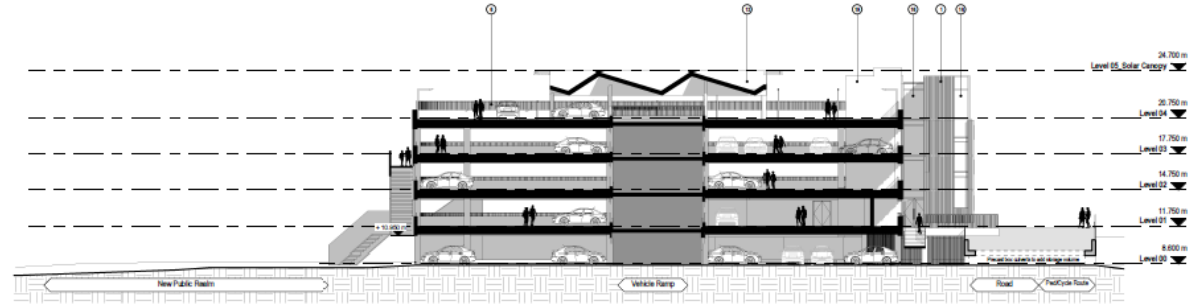
St George's Field Multi-Storey Car Park	
P2008399	Commercial in Confidence
Proposed Plan - Level 04	1:200
06/05/19	C



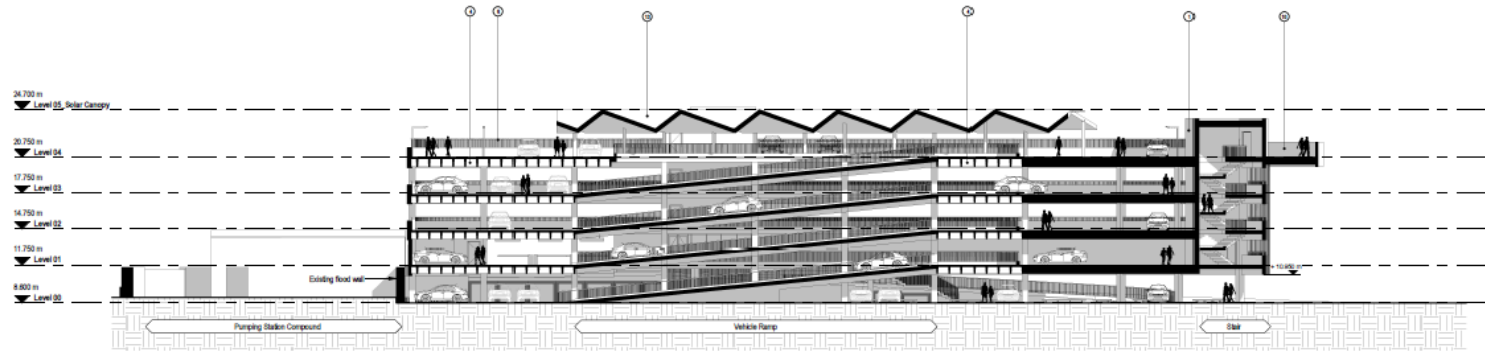
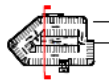
Proposed Sections

KEY TO MATERIALS

1. Terracotta tile - ribbed profile with varying depths (warm / variable colour tones)
2. Terracotta baguette (colour and finish to match tile)
3. Concrete structural beam
4. Precast double 'T' concrete plank with 75mm structural topping
5. Concrete structural column
6. Metal balustrade guard rail
7. Green living wall system
8. Slatted and rail system for green wall
9. Corten perforated cladding (pattern design TSC)
10. Corten sheet cladding to feature stair
11. Wire cable guardrail
12. Screwing to fixed wall
13. Steel frame solar canopy structure
14. Brick to match existing pumping station
15. Terracotta rail and bracket system TSC
16. Curtain wall glazing with glazed opaque spandrel panels
17. Glazed terracotta tile (green colour tile)
18. Metal knee rail (galvanneal steel)
19. Colour render (dark grey)
20. Steel mesh to prevent unauthorised access



Section A-A



Section B-B



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 DIMENSIONS SHALL BE READ IN CONJUNCTION WITH THE FOLLOWING BEFORE BEING COMMENCED:
 - THE CONSTRUCTION ORDER ADDENDUM
 - THE BIP FOR THIS PROJECT
 - THE PROJECT CONSTRUCTION ORDER

NO.	REVISION	DATE	BY	CHKD	DATE
A	Shoring beam	SL	JAW	17/08/18	
-	Final issue	SL	DAVE	18/02/19	

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BDP.

St George's Field Multi-Storey Car Park

P20083399 Commercial in Confidence

Proposed Sections

25/09/18

SGF-BDP-ZZ-SEC-DR-A-20-1270

St George's Field Multi-Storey Car Park P20083399 Commercial in Confidence Proposed Sections 25/09/18 SGF-BDP-ZZ-SEC-DR-A-20-1270	@ A1 as indicated
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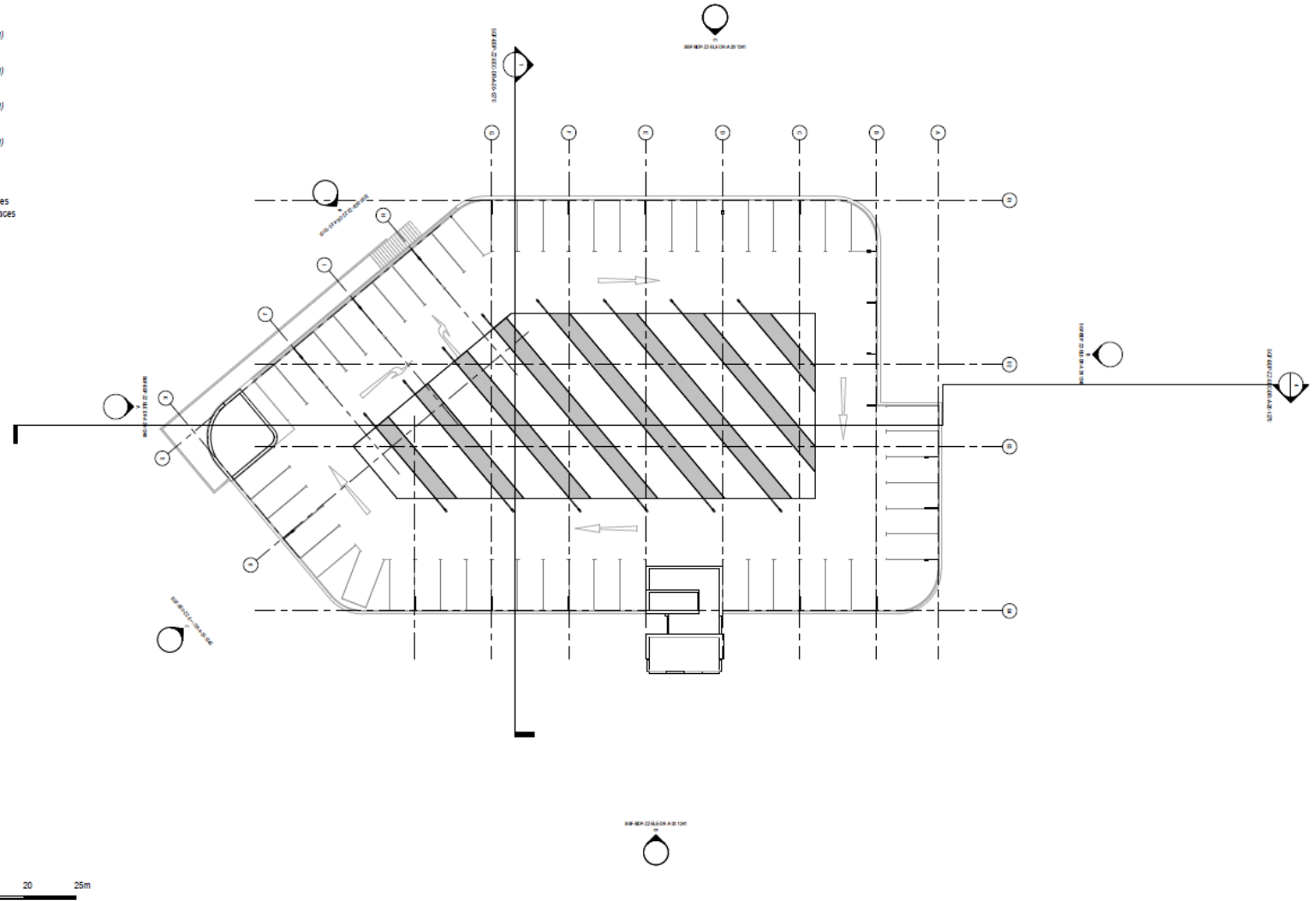
Proposed Solar Canopy

Schedule of Parking Spaces

- Level 00 🚗 88no. Parking Spaces
- Level 01 🚗 20no. Parking Spaces
♿ 26no. Disabled Spaces
(14no. inc. electrical charging)
- Level 02 🚗 78no. Parking Spaces
(14no. inc. electrical charging)
- Level 03 🚗 78no. Parking Spaces
(14no. inc. electrical charging)
- Level 04 🚗 82no. Parking Spaces
(14no. inc. electrical charging)

Total No. of Car Park Spaces = 372no.

- ♿ 7% of 372no. = 26 Disabled Car Park Spaces
- 🔌 15% of 372no. = 56 Electrical Charging Spaces



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- THE CIVIL ENGINEER'S DESIGN
- THE MEP ENGINEER'S DESIGN
- THE PROJECT COORDINATOR'S DESIGN

NOTES

Code	Description	SL	SW	TS
C	Parking Issue	SL	SW	TS
B	Layout of footlights above to top deck and solar canopy structure	SL	SW	TS
A	Access ramp wheelset to lift	SL	SW	TS
T	Footbridge	SL	SW	TS



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St George's Field Multi-Storey Car Park

P2008399 | Commercial In Confidence

Proposed Plan - Solar Canopy

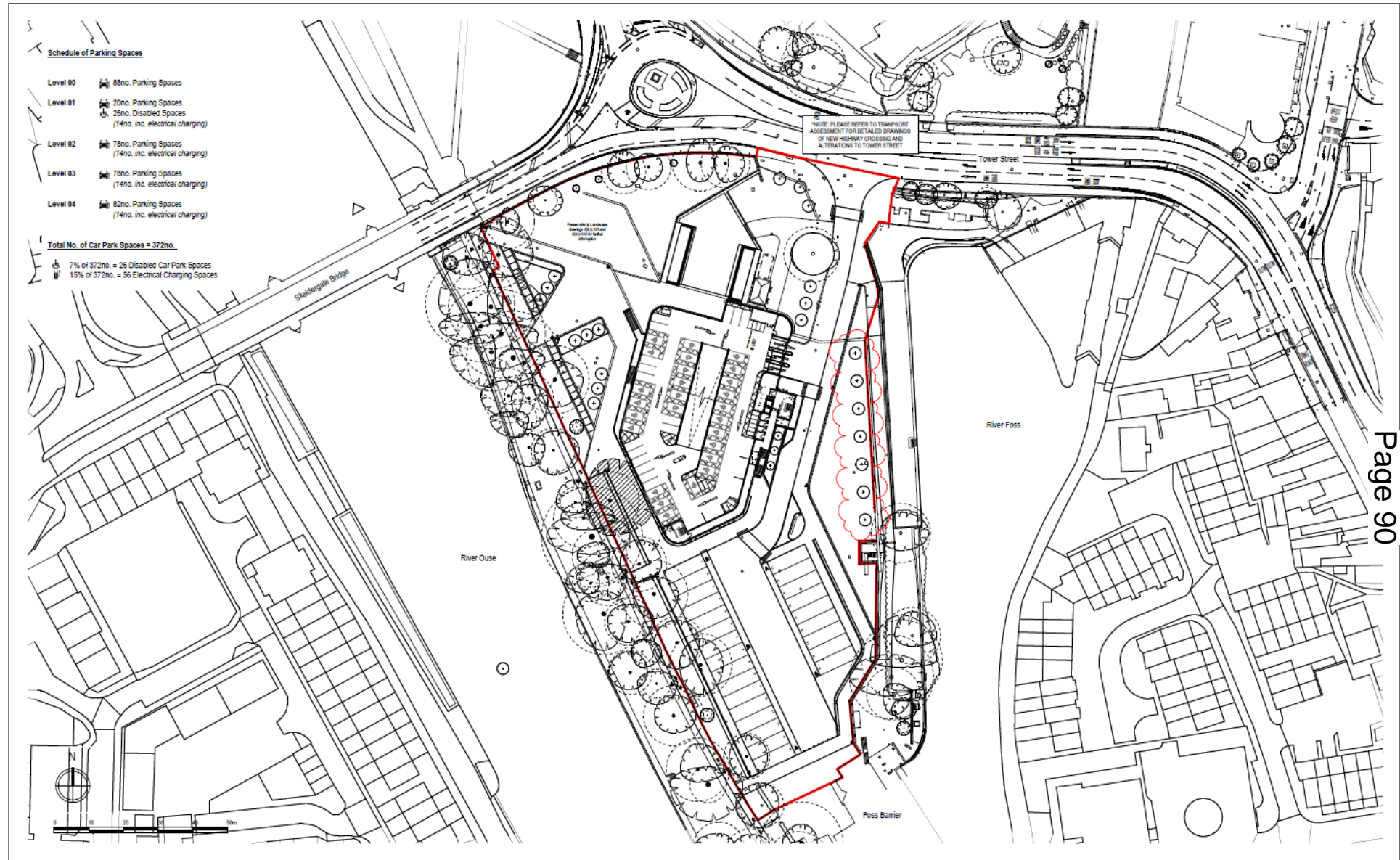
Scale: 1:200

Date: 06/05/19

SGF-BDP-ZZ-05-DR-A-20-1215



Site Plan Vehicular Access



Schedule of Parking Spaces

Level 00	88no. Parking Spaces
Level 01	20no. Parking Spaces 26no. Disabled Spaces (14no. inc. electrical charging)
Level 02	78no. Parking Spaces (14no. inc. electrical charging)
Level 03	78no. Parking Spaces (14no. inc. electrical charging)
Level 04	82no. Parking Spaces (14no. inc. electrical charging)

Total No. of Car Park Spaces = 372no.

- 7% of 372no. = 26 Disabled Car Park Spaces
- 15% of 372no. = 56 Electrical Charging Spaces



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NO.	REVISION	DATE	BY	CHKD	DATE
1	Issue for comment	11/05/20	SG	DM	11/05/20
2	Issue for comment	17/06/20	SG	DM	17/06/20
3	Issue for comment	16/08/20	SG	DM	16/08/20
4	Issue for comment	02/09/20	SG	DM	02/09/20
5	Issue for comment	04/07/21	SG	DM	04/07/21



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St George's Field Multi-Storey Car Park	
P2008399	Commercial in Confidence
Site Plan - Vehicular Access (Level 01)	1:500
SGF-BDP-ZZ-01-DR-A-20-1101	06/05/19
	D

Tree Removal Plan



KEY

- TREES TO BE RETAINED
- TREES TO BE RETAINED BUT REQUIRE ONGOING PRUNING AND MAINTENANCE DUE TO PROXIMITY FROM MSCP FOOTPRINT
- TREES TO BE REMOVED
- HEDGE TO BE REMOVED

NOTES

PLEASE REFER TO TREE SURVEY REPORT PRODUCED BY ENVISCOPE SEPT 2019

TREES TO BE REMOVED:

- T157 FALSE ACACIA
- T158 JAPANESE CHERRY
- T159 SYCAMORE
- T160 COMMON LIME
- T161 NORWAY MAPLE
- T162 NORWAY MAPLE
- T163 NORWAY MAPLE
- T164 NORWAY MAPLE
- T165 NORWAY MAPLE
- T166 NORWAY MAPLE
- T167 NORWAY MAPLE
- T168 NORWAY MAPLE
- T169 NORWAY MAPLE
- T173 ALDER

TO BE READ IN CONJUNCTION WITH MSCP DRAWINGS

- INCL02 - ILLUSTRATIVE MASTERPLAN
- INCL03 - PLANTING STRATEGY PLAN
- INCL04 - TREE COVER MAPS PLAN/PROTECTION PLAN
- INCL05 - LANDSCAPE LAYOUT SECTIONS 1 of 2
- INCL06 - LANDSCAPE LAYOUT SECTIONS 2 of 2
- INCL10 - GENERAL ARRANGEMENT 1 of 2
- INCL11 - GENERAL ARRANGEMENT 2 of 2
- INCL21 - PROPOSED LEVELS PLAN 1 of 2
- INCL22 - PROPOSED LEVELS PLAN 2 of 2

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1	15/09/19	ISSUE FOR COMMENT
2	15/09/19	ISSUE FOR COMMENT
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ST. GEORGE'S FIELD YORK

TREE REMOVAL PLAN

DATE: 15/09/19

SCALE: 1:500

PROJECT: P20200399

REF: SGP401P20200399-02-003



Illustrative Master Plan



- LEGEND**
1. MULTI STOREY CAR PARK
 2. MSCP VEHICLE ENTRANCE
 3. MSCP PEDESTRIAN ENTRANCE
 4. W/C ACCESS
 5. EXTERNAL FEATURE STAIR
 6. PUMPING STATION
 7. MAINTAINED ACCESS POINT
 8. SCHEDULED ANCIENT MONUMENT
 9. ENTRANCE FEATURE WALL
 10. PEDESTRIAN CROSSING POINT
 11. MARINA ACCESS
 12. FOSS BASIN ACCESS
 13. EXTERNAL STAIR
 14. RAISED WALKWAY
 15. COMBINED CYCLE / FOOTPATH
 16. COACH PARK
 17. WAITING SHELTER
 18. OCCASIONAL ACCESS POINT
 19. MAINTAINED 'NEW WALK'
 20. WETLAND MEADOW
 21. COACHES ONLY
 22. MAINTENANCE VEHICLE ACCESS
 23. INFORMAL WALKWAY
 24. SEATING LAWNS
 25. HARD 'EVENT' SPACE / ARTWORK LOCATION
 26. INFORMAL LAWNS
 27. FEATURES SEATS / CHANNELLS
 28. ACCESS INTO CAR PARK VIA 'THE FIELD'
 29. ACCESS TO TOWER GARDENS
 30. PROPOSED CROSSING POINT

NOTES

TO BE READ IN CONJUNCTION WITH BDP DRAWINGS:
 (R)002 - PLANTING STRATEGY PLAN
 (R)003 - TREE REMOVAL PLAN
 (R)004 - TREE CONSTRAINTS PLAN / PROTECTION PLAN
 (R)005 - LANDSCAPE LONG SECTIONS 1 of 2
 (R)006 - LANDSCAPE LONG SECTIONS 2 of 2
 (R)007 - GENERAL ARRANGEMENT 1 of 2
 (R)008 - GENERAL ARRANGEMENT 2 of 2
 (R)009 - PROPOSED LEVELS PLAN 1 of 2
 (R)010 - PROPOSED LEVELS PLAN 2 of 2
 (R)011 - THE FIELD SKETCH

P02 ADDITION OF TREES ALONG EASTERN BOUNDARY NWS JRM
 R01 REFERENCES TO SEAT WALLS REMOVED NWS JRM
 FIRST ISSUE NWS JRM



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ST. GEORGE'S FIELD YORK	
ILLUSTRATIVE MASTERPLAN	Sheet: 8 of 11
	Scale: 1:500
	Date: SEPT '19
P2008399	SGF-BDP-22-XX-DR-L-90-001 P02



Visualisation 1 – Tower Street Junction



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- THE PROJECT COM RISK REGISTER

NOTES

REVISION	DESCRIPTION	DATE	BY	CHECKED	DATE
-	Planning Issue		SJ	SM	18.09.19



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PROJECT TITLE St George's Field Multi-Storey Car Park	
BDP JOB NUMBER P2008399	BDP PROJECT CLASSIFICATION Commercial In Confidence
DRAWING TITLE Visualisation 1 - Tower Street Junction	DATE 18/09/19
DRAWING NO. SGF-BDP-ZZ-ZR-A-20-1411	SCALE -

Visualisation 2 – Clifford's Tower Base



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PROJECT TITLE St George's Field Multi-Storey Car Park	
REF ID P2008399	ACCESSIBILITY Commercial In Confidence
DRAWING TITLE Visualisation 2 - Clifford's Tower Base	
SCALE NTS	DATE 18/09/19
DRAWING NO. SGF-BDP-ZZ-ZZ-DR-A-20-1412	

Visualisation 3 – Top of Clifford's Tower



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- THE CDM DESIGN ISSUES REGISTER
- THE BCP RISK SERIES OF DRAWINGS
- THE PROJECT CDM RISK REGISTER

NOTES

REVISION	DESCRIPTION	DATE	BY
-	Planning Issue	SJ	SM
		18.08.19	



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PROJECT TITLE St George's Field Multi-Storey Car Park	
REFERENCE NUMBER P2008399	ISSUE STATUS Commercial In Confidence
DRAWING TITLE Visualisation 3 - Top of Clifford's Tower	SCALE NTS
DRAWING NUMBER SGF-BDP-ZZ-ZZ-DR-A-20-1413	DATE 18/09/19

Visualisation 4 – Terry Avenue



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- THE CDM DESIGN ISSUES REGISTER
- THE BOP RISK SERIES OF DRAWINGS
- THE PROJECT CDM RISK REGISTER

NOTES

REVISION	DESCRIPTION	DATE	BY	DATE
-	Planning Issue	18.09.19	SJ	SM



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PROJECT TITLE St George's Field Multi-Storey Car Park	
REFERENCE NUMBER P2008399	ISSUE/STATUS Commercial In Confidence
DRAWING TITLE Visualisation 4 - Terry Avenue	
SCALE NTS	DATE 18/09/19
DRAWN BY SGF-BDP-ZZ-ZZ-DR-A-20-1414	CHECKED BY -

Visualisation 5 – Tower Street Bridge



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- THE BOP RISK SERIES OF DRAWINGS
- THE PROJECT CDM RISK REGISTER

NOTES

REVISION	DESCRIPTION	DATE	BY	CHECKED	DATE
1	Planning Issue	18.09.19	SJ	SM	18.09.19



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PROJECT TITLE St George's Field Multi-Storey Car Park	
ISSUE NUMBER P2008399	ISSUE DESCRIPTION Commercial In Confidence
DRAWING TITLE Visualisation 5 - Tower Street Bridge	SCALE @ A3 NTS
DRAWN BY SGF-BDP-ZZ-ZZ-DR-A-20-1415	DATE PREPARED 18/09/19

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COMMITTEE REPORT

Date: 7 January 2021 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Clifton Without Parish
Council

20/01479/FUL

Reference:

Application at: Whitehall Grange Wigginton Road York YO32 2RJ

For: Erection of temporary office for a period of 5no. years and re-cladding of existing barn

By: Autohorn Fleet Services

Application Type: Full Application

Target Date: 3 December 2020

Recommendation: Approve

1.0 PROPOSAL

- 1.1 Erection of a temporary, single-storey, office building for a period of five years and recladding of an existing barn to form an attached entrance pavilion. The temporary office building would measure approximately 60m x 12.3m and would be used in connection with the applicant's phased occupation of 10 hectares of predominantly grazing land following the company's relocation from elsewhere in York, mainly York Central which is now a major redevelopment site.
- 1.2 The temporary office building would comprise modular building structures arranged side by side to form a single-storey linear accommodation block providing total floor space of 708sqm. The building would be located immediately behind an existing, partially open-sided barn which would be re-clad in timber. The barn would become the main entrance into the modular office, whilst screening it from view from the public highway.

RELEVANT PLANNING HISTORY

- 1.3 This application is related to the following approved planning applications, which are all in connection with the relocation of the applicant's car leasing business:
- 16/01446/OUTM - Hybrid application (i.e. part full, part outline) for the demolition of existing buildings and the use of the land as a car storage facility
- Application Reference Number: 20/01479/FUL Item No: 4b

for up to 2000 cars. A 2-storey, 3000sqm office building for approximately 200 staff would be located at the north-west corner of the site. Approved in April 2017. Not implemented.

- 18/01110/OUTM – Variation of condition 3 of 16/01446/OUTM to allow the previously-approved scheme to be implemented in distinct phases (phase 1 to phase 4). Approved in April 2019. Not yet implemented.
- 19/00855/REMM - Reserved matters pursuant to application 18/01110/OUTM. Approved on 15 November 2019.

- 1.4 The applicant is seeking approval for the temporary building (modular office and timber-clad entrance pavilion) due to the need to relocate from their existing premises at a time of exceptional economic uncertainty. Consent for the temporary building would enable the business to vacate its existing premises yet defer the substantial construction costs of the permanent replacement building until economic conditions are expected to have improved.
- 1.5 At the end of the 5-year consent period the applicant expects phase 1 of the approved scheme (which includes 50% of the permanent office building, some of the approved car storage areas, the access road, security kiosk, and some of the landscaping) to have been built and be ready for occupation. At that point the proposed temporary building would be removed and the entrance pavilion demolished. The planning permission for the approved change of use of the land and the office building expires on 14 November 2021, by which time the applicant intends that their development will be well underway.

2.0 POLICY CONTEXT

- 2.1 Section 38 of the Town and Country Planning 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan for York comprises the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. The application site lies within that general extent.
- 2.2 The Publication Draft Local Plan 2018 (“the emerging plan”) was submitted for examination in May 2018. Phase 1 of the hearings into the examination of the plan took place in December 2019. The policies of the emerging plan can be afforded limited to moderate weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging plan is capable of being a material consideration in the

determination of planning applications. The site falls within a strategic employment allocation ST37 of the emerging plan. Policy SS2 'The Role of York's Green Belt' proposes to take the site out of the Green Belt and can be given moderate weight.

- 2.3 Policy SS24 states that the site will provide up to 33,330sqm for B8 storage use. In addition to complying with the policies in the emerging plan the development of the site must be in accordance with the approved site masterplan of the outline consent 16/01446/OUTM (which has since been varied by 18/01110/OUTM). The policy SS24 can be given moderate weight.
- 2.4 The proposal should also be assessed against the NPPF and the saved RSS policies. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). However, this presumption in favour does not apply to the current application because of the site's Green Belt location. Local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area (paragraph 38).
- 2.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan and its policies carry very limited weight.

3.0 CONSULTATIONS

INTERNAL

Public Protection

- 3.1 If approved, add the standard contamination conditions due to the development being close to land where there have been previous industrial uses. 2% of staff parking spaces should have electric vehicle recharging.

EXTERNAL

Clifton Without Parish Council

- 3.2 No response

Yorkshire Water

- 3.3 No comments to make.

4.0 REPRESENTATIONS

4.1 The consultation period ends on 14 January 2021. At the time of publication of the report no responses had been received. Members will be updated at the meeting.

5.0 APPRAISAL

5.1 KEY ISSUES

Principle of Development
Impact on Openness of the Green Belt
Case for Very Special Circumstances
Local economy
Visual appearance
Landscaping
Access and parking
Neighbour amenity

APPLICATION SITE

5.2 Part of a 10 hectare site mainly comprising grazing land with a house and storage buildings occupying a small part. Remnants of a WWII airfield, including part of the runway and a dispersal pen, are still evident. The whole of the car storage site is within flood zone 1. To the north is ROKO Health Club. To the east is Wigginton Road with agricultural land beyond. To the south is a golf range and to the west is a business park. The site lies within the green wedge between is outside the settlement limit of York and is in the general extent of the Green Belt.

PRINCIPLE OF DEVELOPMENT - ASSESSMENT OF HARM TO THE GREEN BELT

WHETHER THE DEVELOPMENT IS INAPPROPRIATE DEVELOPMENT

5.3 The application site lies within the general extent of the York Green Belt and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Policy GB1 of the emerging plan is also relevant.

5.4 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 goes onto to state 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green

Belt should be regarded as inappropriate unless they fall within certain exceptions. The exceptions are set in Paragraph 145 of the NPPF and are as follows:

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

5.5 The proposed temporary buildings do not fall within any of the exceptions and is therefore inappropriate development. It is necessary to consider whether there are very special circumstances that would outweigh the harm to the Green Belt.

IMPACT ON THE OPENNESS OF THE GREEN BELT

5.6 The NPPF advises that the essential characteristics of Green Belts are their openness and permanence. There is no definition of 'openness' in the NPPF, but it is commonly taken to mean the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site.

5.7 Policy GB1 of the 2018 Draft Plan states that permission will only be granted for development where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York.

5.8 There are unresolved objections to Policy GB1 that will be considered through the examination in public of the 2018 Draft Plan and therefore it should only be afforded limited weight in the decision making process for the purposes of this application.

5.9 The temporary office building would comprise modular building structures arranged side by side to form a single-storey linear accommodation. The building would be located immediately behind an existing, partially open-sided barn which would be re-clad in timber. The barn would become the main entrance into the modular office. The proposals due to their nature as built development will reduce openness within this part of the Green Belt, however due to their siting within the existing site the loss of openness is considered to be limited.

IMPACT ON THE GREEN BELT PURPOSES

5.10 The proposed development would be inappropriate development in the Green Belt. It would lead to limited harm to the openness of the Green Belt. Paragraph 134 of the NPPF goes on to state that the Green Belt serves five purposes. These are:

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

5.10 The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 Draft Plan, although limited weight can only be attached to the latter. The temporary buildings lie within the curtilage of the existing site to the rear of the existing building and will be in time part of a larger redevelopment of the site. Due to the above, the proposal is not considered to conflict with the purposes of the Green Belt.

5.12 The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has put forward a number of other considerations which they consider would justify the proposal and these are set out and assessed in paragraphs 4.29 to 4.33 below.

CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

5.13 The agent for the application has outlined the Very Special Circumstances (VSC) from the originally approved application along with further considerations for this applications:

VSC – previously approved car storage applications

- The need for the facility arises from the continued growth of the business and demand from car dealerships on Clifton Moor, which are their major clients.
- No other suitable sites are available.
- The development would provide ongoing economic benefits for the city.
- If planning permission is not granted the likely outcome is that Autohorn would be forced to look for suitable sites outside York probably Leeds, Selby, or Hull.
- The development would provide sustainability benefits compared with the current operations, e.g., car transport movements would be taken out of the city, there would be shorter journeys for collections and deliveries and the site would provide better scope for Autohorn to explore sustainable fuel technologies.

VSC – Current application

- Autohorn's current premises are at Leeming Road and are located within the York Central site. Outline planning permission has now been granted for the York Central site and the site's development is starting to progress at an advanced pace. Accordingly, the landowners of Autohorn's existing premises have previously informed them that they will likely give them notice to vacate the site within the coming months. Autohorn therefore simply do not have time to construct the approved development within these timescales. Accordingly, the proposals seek to deliver temporary buildings to provide office accommodation to enable the immediate relocation of Autohorn's operations from their existing site whilst the approved office building (and ancillary infrastructure) is being constructed at the Whitehall Grange site. Once the approved office building has been constructed the temporary buildings will be removed.
- Over the last year the business has been hugely impacted by the Covid-19 pandemic. This has caused huge economic uncertainty for the business that has resulted in the need to use their reserves to keep the business operational. Reserves that were in place to be used as funding to enable the progression of the approved relocation proposals.

- The operational needs for the business to relocate as soon as they practicably can still exist in respect of issues associated with the current on-site car storage space; existing constraints associated with the surrounding highway network (including low bridges); and other general operational efficiencies. Factors which were considered by the Council as part of their approval of the original outline planning application.
- The original plan for the business was to continue their operations at their existing site for a 1 to 2-year period whilst Phase 1 of the approved development was being constructed. However, due to the aforementioned uncertainties and change in circumstances the build period for Phase 1 of the approved development is now expected to be extended to 5 years. When this is combined with the immediate financial and operation concerns associated with Autohorn's current site at Leeming Road, this has required the business to act immediately.
- Autohorn are seeking temporary planning permission for office accommodation at the Whitehall Grange site for a 5-year period.

The supporting documentation also states that the approval of the temporary office building application is needed to ensure that the socio-economic benefits of Autohorn's relocation are realised and even more importantly for the City, so that the York Central project can continue to progress in the manner proposed.

LOCAL ECONOMY

5.14 The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 80). The proposal would increase the quantity and quality of commercial floorspace to the general benefit of the local economy and support the sustainable development policy DP2 of the emerging plan.

5.15 The business is a significant contributor to the local economy. It provides a variety of commercial services and has a close working relationship with local dealerships, a large number of which are based at nearby Clifton Moor. The applicant's successful relocation to a consolidated, fit-for purpose facility at Whitehall Grange would provide significant benefits for the business, the local car dealerships and the local economy in general. The site would also enable the business to continue to grow, as it has since its establishment in the 1990s. The current

application would support the relocation and consolidation of the business during a very challenging time for the business and the local economy.

VISUAL APPEARANCE

5.16 Paragraph 127 of the NPPF states that, among other things, planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy D1 (Placemaking) of the emerging plan states, among other things, that proposals that cause damage to the character and quality of an area will be refused.

5.17 The applicant has always intended to demolish the barn that would now be used as the entrance to the proposed modular building. The approved phasing plans for planning permission 18/01110/OUTM show it being demolished in phase 1. Under the current proposal it would be demolished at the end of phase 1, by which time the permanent office accommodation would be ready for occupation. The barn lies over 100m from the public highway at Wigginton Road. It can only be glimpsed through a break in the boundary hedge where the site access joins the highway boundary. Under the current proposal the building would be re-clad with timber, thereby improving its appearance until demolition. The modular building would be located behind the re-clad barn, i.e further from the public highway and entirely screened from public view by the barn. It would also be partially screened from adjacent premises by other existing storage buildings that are programmed to be demolished when the modular building is no longer required. The modular building would be clad in neutral-coloured aluminium, giving it a satisfactory appearance. Overall, the scale, height and appearance of the combined entrance/modular building would not appear prominent or out of keeping with the character of the site.

LANDSCAPING

5.18 Policy D2 (Landscape and Setting) of the emerging plan states, among other things, that development will be supported where they conserve and enhance landscape quality and character. The site is currently fundamentally open, green, and has a countryside nature. The site will continue to be fundamentally open when the approved car storage use has been implemented. The parking areas for the stored cars and their distributor roads would occupy most of the application site. The landscaping of these areas and roads was approved as part of the hybrid consent. A key element of the approved landscaping scheme site is the permanent retention of a strip of agricultural land along the Wigginton Road frontage. The purpose of the strip is to retain as far as possible the site's rural character when viewed from the public highway. The applicant has agreed to carry out this element of the landscaping scheme prior to first use of the temporary building for office/commercial purposes. This should be made a condition of approval. The

other landscaping elements of the car storage facility would be carried out in phases as previously approved.

ACCESS AND PARKING

5.19 Vehicular access would be via the single existing access point from Wigginton Road. The modular building would be approximately 120m from the public highway and would be served by the existing internal access road, which terminates at a large existing hardstanding in front of the proposed pavilion building. The hardstanding would be used temporarily for staff car parking (the approved scheme for the whole site would provide 160 parking spaces for staff and would be located in front of the permanent office building). The application form states that 20 temporary parking spaces would be provided for staff but this has since been increased to about 70 spaces, which is commensurate with the number of staff to be accommodated within the modular building. Details of the proposed temporary staff parking, temporary cycle storage and temporary recharging points for two electric vehicles should be submitted as conditions of approval.

NEIGHBOUR AMENITY

5.20 Within the car storage site, and about 10m from the proposed modular building, is a detached house which is due to be demolished during phase 4 of the car storage development. The wing of the house nearest to the modular building is a garage/storage/amenity room; there are no bedrooms or general living areas in it. The tenants of the house are family members of one of the applicant company's directors and are fully aware of the current application. Bearing in mind all of these factors the proximity of the modular building to the house is acceptable. No other residential premises would be affected.

PLANNING CONDITIONS

5.21 The planning permission for the change of use of the land to a car storage facility (18/01110/OUTM) lapses in November 2021, i.e. two years from the date of approval of the last of the reserved matters. Approval of the current application (the modular building and entrance pavilion) would not extend this consent for the use of the rest of the land for car storage. The applicant intends to construct the modular office in the first quarter of 2021 and, at about the same time, start implementing the change of use of the overall site (in phases, as approved). The conditions of the outline consent are comprehensive so, bearing in mind that the two applications would be implemented more or less concurrently, there is no reason to repeat, for this application, many of the conditions of the outline consent. Nevertheless, in case the modular building is constructed and is in operation prior to the implementation of car storage consent some of its conditions should be attached to the current application, with or without modification.

6.0 CONCLUSION

6.1 The proposals is considered to be inappropriate development within the Green Belt and would, therefore, by definition be harmful to the Green Belt. Substantial weight is to be given to any harm to the Green Belt. In accordance with the NPPF, inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. There is limited harm on the openness of the Green Belt and limited harm to the green belt purposes.

6.2 The very special circumstances are considered cumulatively to be afforded significant weight in the decision making process. The temporary nature of the proposal has also been considered in terms of the proposals impact. The proposal is also considered to be acceptable on the other relevant matters including design, drainage and highway safety. Moderate weight is considered to be applied to these matters. Weighing up the planning balance, it is considered that with regard to this proposal, the very special circumstances set out do outweigh the identified harm to the Green Belt.

6.3 The application is recommended for approval for a period of five years and subject to no new planning issues being raised before the consultation period expires on 14 January 2021.

7.0 RECOMMENDATION: Approve subject to no new material planning issues being raised before the consultation period expires on 14 January 2021.

1 TIME2 Development start within three years

2 The building hereby approved shall be removed by 20 January 2026 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

3 The development shall not be carried out otherwise than in complete accordance with the following approved plans:

20051-AP-001_Site Location Plan
20051-AP-010_Proposed Block Plan
20051-AP-011_Proposed GA Plan

20051-AP-012_Proposed Elevations - Sheet 1 of 2

20051-AP-013_Proposed Elevations - Sheet 2 of 2

20051-AP-014_Proposed Sections

Reason: To achieve an acceptable form of development.

4 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 the Local Planning Authority within one month of commencement of the development for approval in writing. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

5 The premises shall be used in connection with the use of the land as a car storage facility and for no other purpose, including any other purpose in Class B8 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

6 Within one month of commencement of development details of cycle parking areas, including means of enclosure, shall be submitted to the local planning authority for approval in writing. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

7 Prior to first use of any part of the office building, a full travel plan, in line with local and national guidelines, shall be submitted to the local planning authority for approval. The development shall be occupied in accordance with the aims, measures and outcomes of the approved travel plan.

Reason: To ensure that adequate provision is made for the movement of vehicles,

pedestrians, cycles and other forms of transport to and from the site, together with parking on site for those users.

8 Within one month of commencement of development details of car parking for staff shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

9 Within one month of commencement of development details of refuse and recycling facilities shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

10 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to any works of demolition or construction on site.

11 Prior to the installation of any external lighting a full Lighting Impact Assessment undertaken by an independent assessor shall be submitted to the Local Planning Authority for approval in writing. The report shall detail predicted light levels at neighbouring residential properties and contain the following as a minimum:

- o Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units including the access road
- o Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the edge of the site boundary.

Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority prior to the first use of the development and the lighting maintained in accordance with the specification.

Note: Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting .

Reason: To protect amenity of neighbouring occupiers and the character of the area.

12 Prior to occupation of the development two Electric Vehicle Recharging Points shall be provided for the exclusive use of zero emission vehicles. The recharging points shall be located in a prominent position which shall first be agreed in writing by the local planning authority. Within 3 months of the first occupation of the development, the owner shall submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Management Plan that shall detail the maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 5 years.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

13 Prior to commencement of development an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

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

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

Reason: To ensure that risks from land contamination to the future users of the land

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

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

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

15 Prior to first occupation or use the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and is subject to the approval in writing of the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

16 In the event that previously unidentified contamination is found at any time when carrying out the approved development, work shall be suspended and the contamination shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the local planning authority. Following completion of the remediation measures identified in the approved remediation scheme a verification report shall be submitted to the local planning authority within [x] days of the report being completed and approved in writing by the local planning authority.

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

17 The areas along the eastern boundary shown as existing pasture on the approved plan RFM-XX-00-DR-L-0001 Rev.PL04 (Landscape General Arrangement Plan) of planning permission 19/00855/REMM shall be retained in their entirety as open pasture and shall not be used for any other purpose.

Reason: In the interests of the openness of the Green Belt and the visual amenity of the area.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38). In seeking solutions to problems identified during the processing of the application, the Local Planning Authority sought further information from the developer and discussed proposed planning conditions.

2. CONTROL OF POLLUTION

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturer's instructions.

There shall be no bonfires on the site.

3. Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.

Contact details:

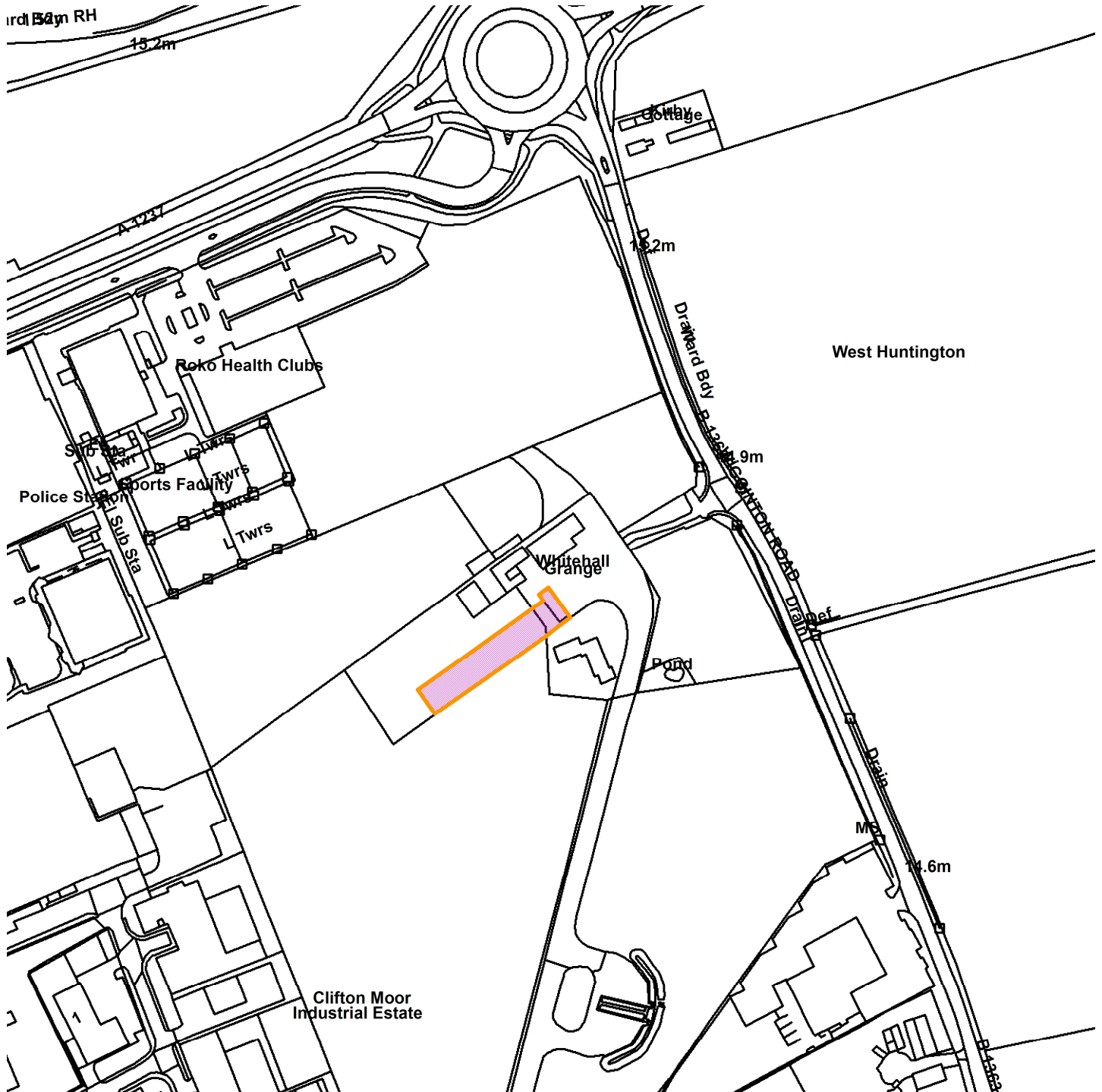
Case Officer: Kevin O'Connell

Tel No: 01904 552830

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Whitehall Grange, Wigginton Road, YO32 2RJ

20/01479/FUL



Scale : 1:3049

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	22 December 2020
SLA Number	

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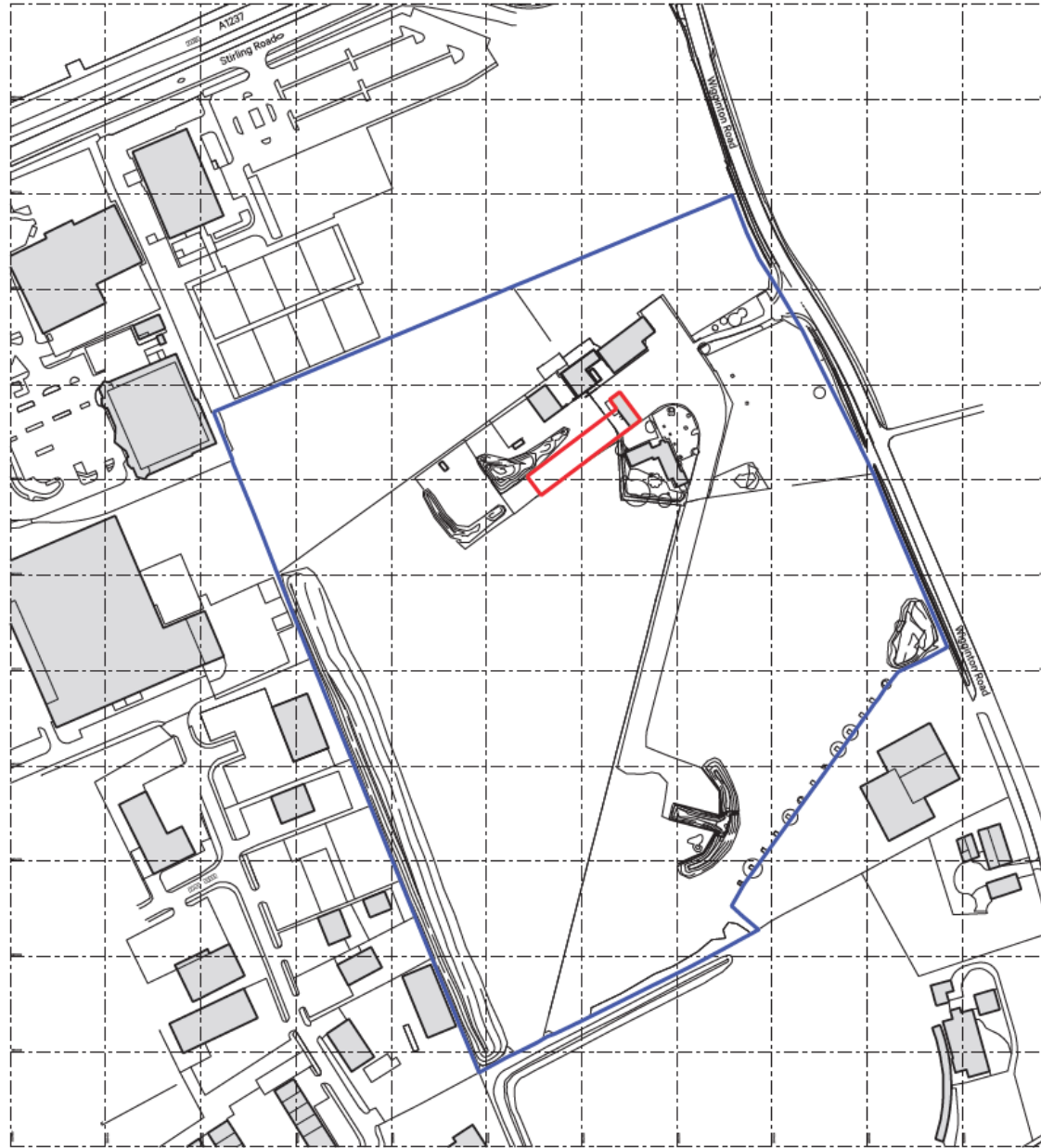
Planning Committee

To be held remotely on Thursday 7th January 2021

20/01479/FUL - Whitehall Grange, Wigginton Road, York

Erection of temporary office for a period of 5no. years and re-cladding of existing barn

Site Location Plan



— Development boundary
 — Land under ownership

Revisions

XX.08.2020 Issued for planning application

Rev.	Date	Notes	Drawn by

Project: Autohorn Temporary Office
Client: Autohorn
Drawing Title: Site location plan

Scale	Date
1:2500@A3	August 2020

Drawing No.
2005I-AP-001

Project No.	Revision
20051	-

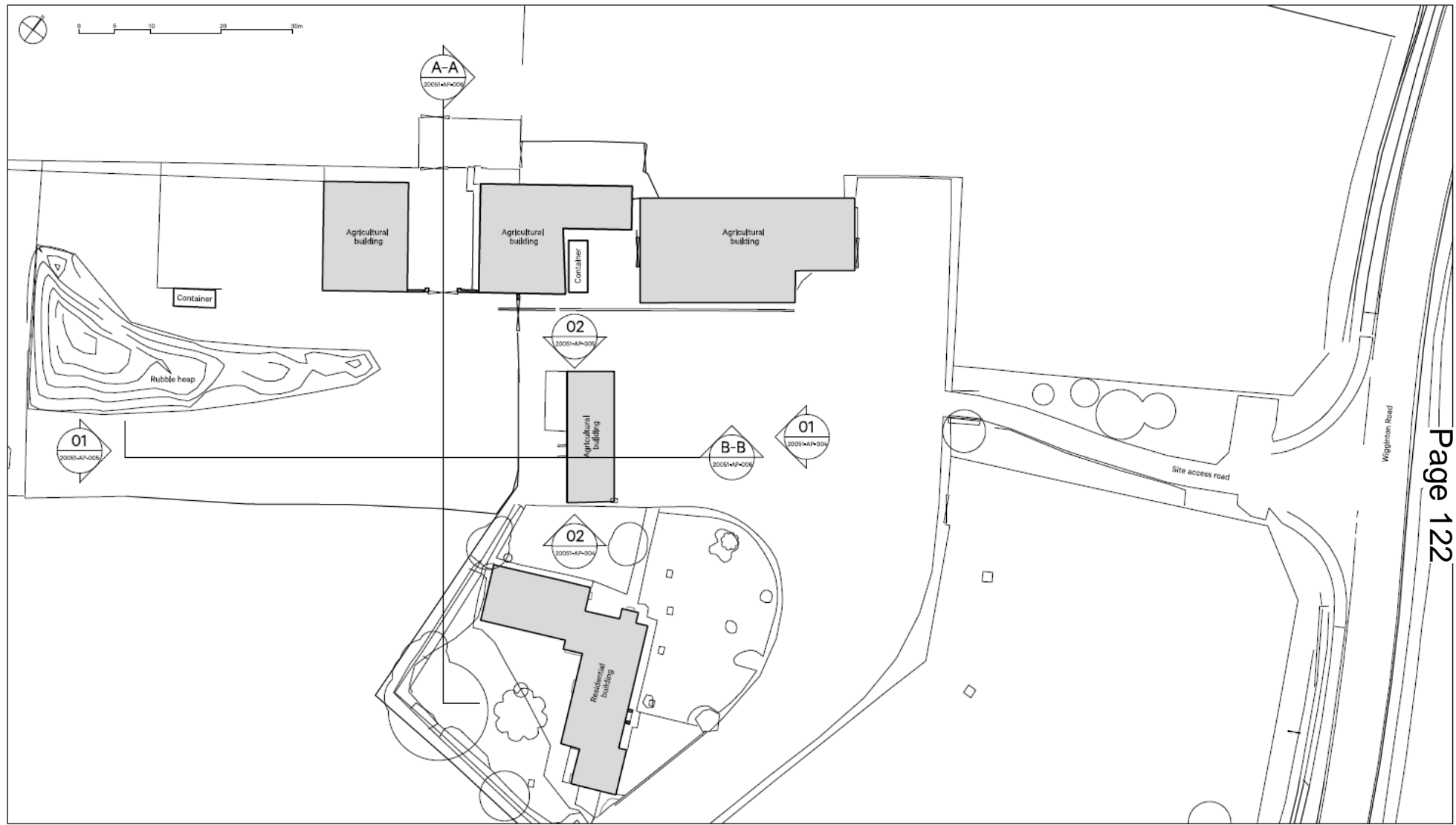
Status:
 PLANNING APPLICATION ISSUE

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 All dimensions to be checked on site.
 Checkers subject to statutory approvals.
 Drawings to be read in conjunction with all relevant
 Architectural Services and Structural Engineer drawings.

Page 121



Existing Block Plan



01

Existing block plan
1500



ArkleBoyce.

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Architect's Sections and Structural Engineer's drawings.

Revisions

Rev.	Date	Notes	TH	JA	Drawn	Checked
XX.08.2020		Issued for planning application				

Project:	Autohorn Temporary Office	Project No.	20051
Client:	Autohorn	Revision	-
Date	August 2020	Status	PLANNING APPLICATION ISSUE
Drawing Title	Existing block plan	Scale	1:500@A3
Scale	1:500@A3	Drawing No.	2005-AP-002

Existing Access from
Wigginton Road



Front of Existing Barn

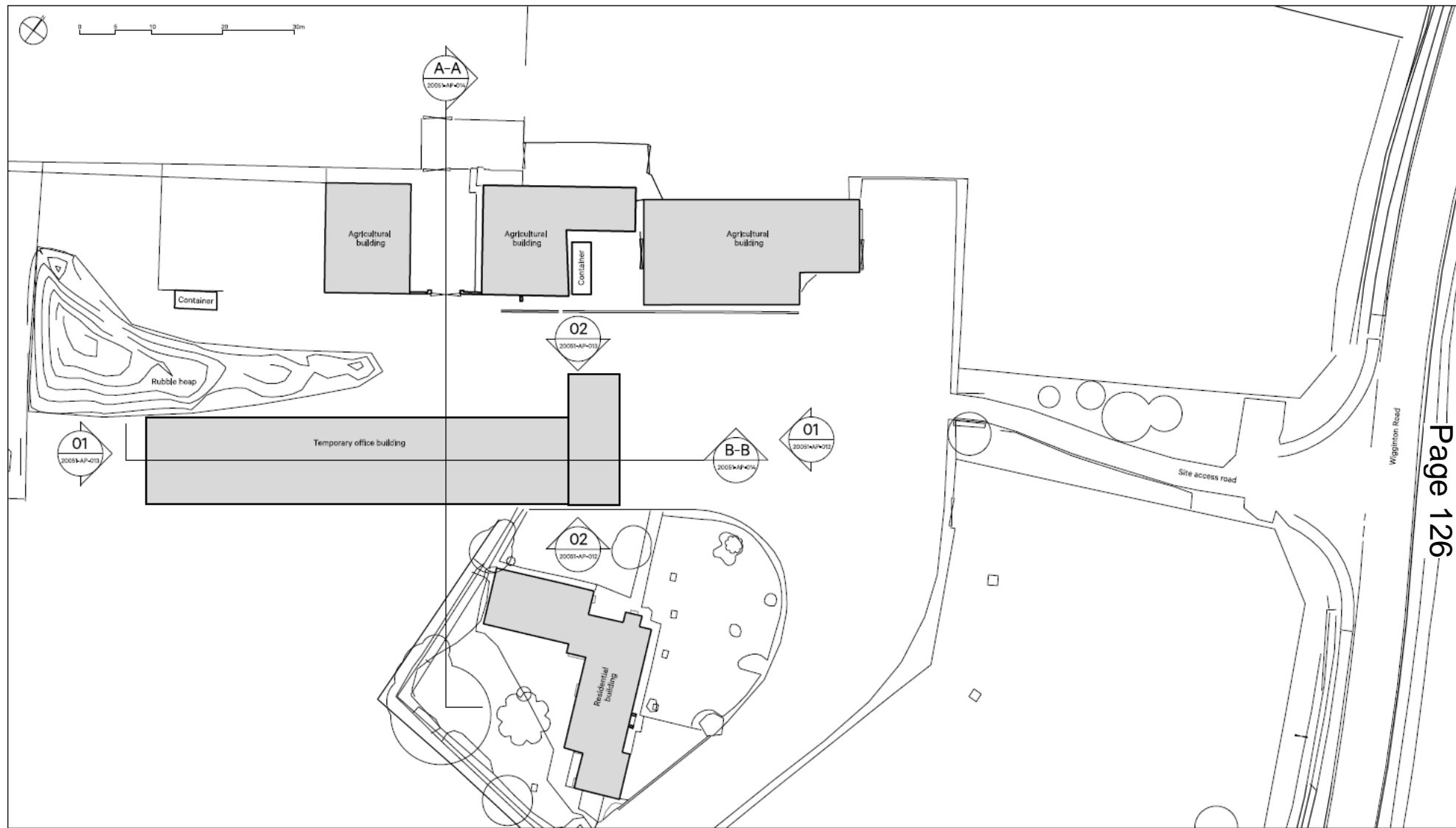


Site of temporary building



Page 125

Proposed Block Plan



01

Proposed block plan
1:500



ArkleBoyce.

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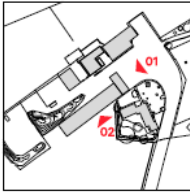
Revisions

Rev.	Date	Notes	TH	JK

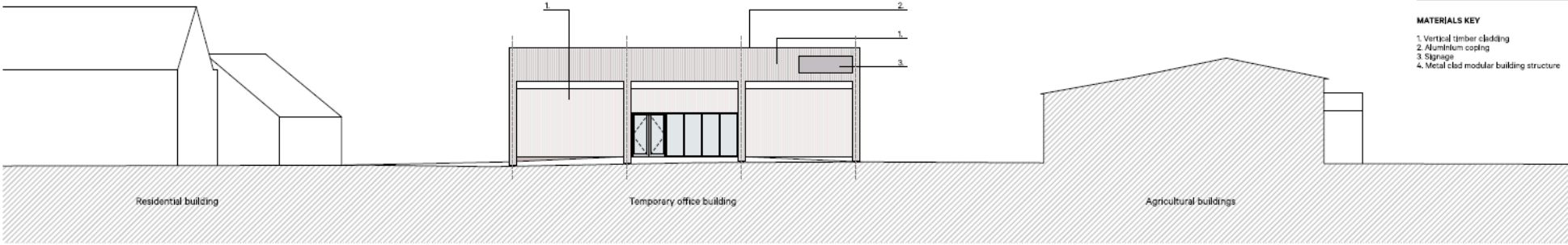
City of York Council Planning Committee Meeting - 7th January 2021

Project:	Aut Horn Temporary Office	Project No.	20051
Client:	Aut Horn	Revision	-
Date:	August 2020	Status	PLANNING APPLICATION ISSUE
Drawing Title:	Proposed block plan	Scale	1:500@A3
Scale:	1:500@A3	Drawing No.	20051-AF-010

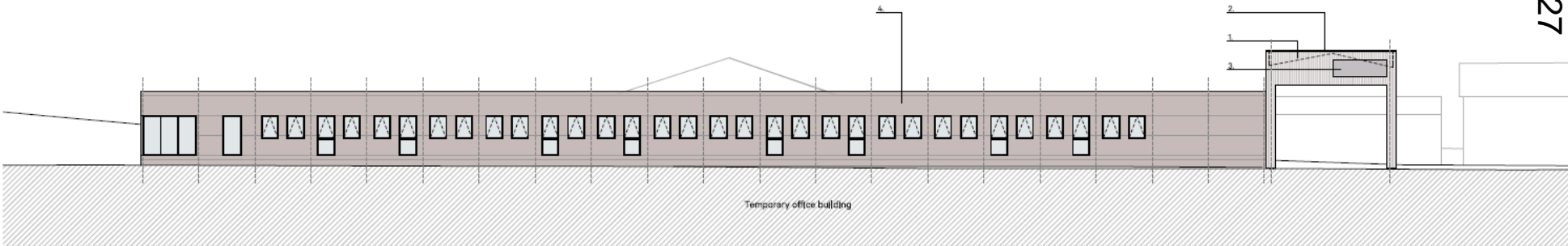
Proposed Elevations (1)



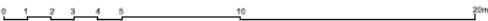
- MATERIALS KEY**
- 1. Vertical timber cladding
 - 2. Aluminium coping
 - 3. Signage
 - 4. Metal clad modular building structure



01 Proposed Northeast elevation

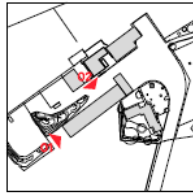


02 Proposed Southeast elevation



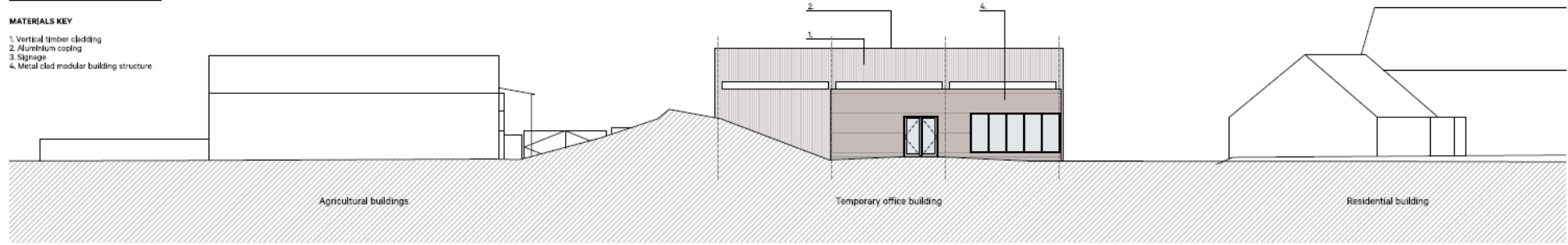
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Proposed Elevations (2)

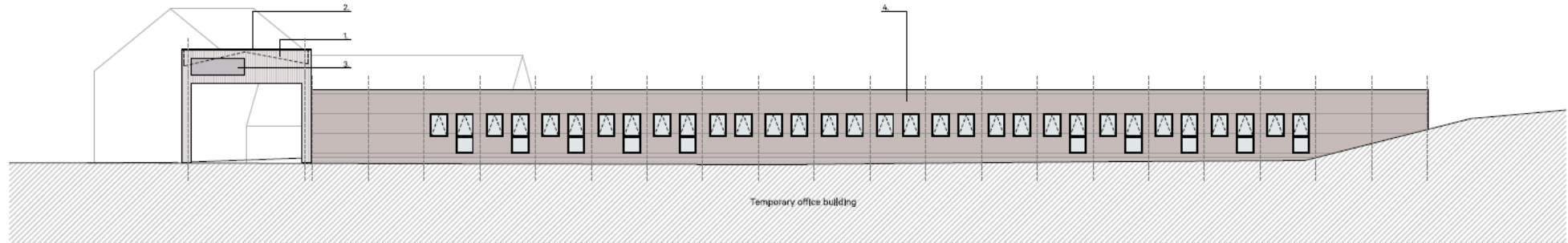


MATERIALS KEY

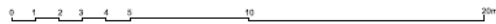
- 1. Vertical timber cladding
- 2. Aluminium coping
- 3. Signage
- 4. Metal clad modular building structure



01 Proposed Southwest elevation



02 Proposed Northwest elevation



ArkleBoyce.

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Building

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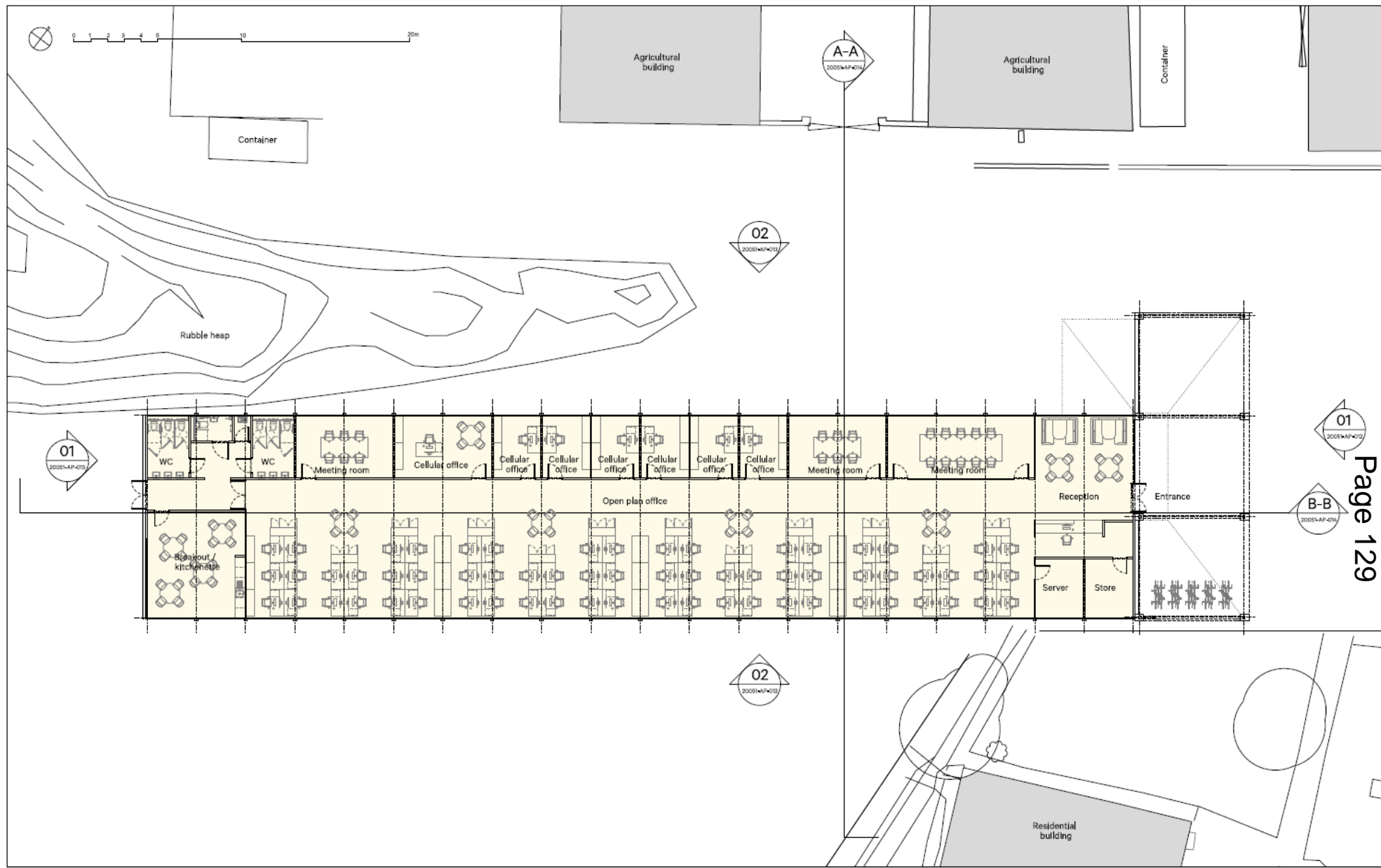
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Project Arkle Temporary Office

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Proposed General Arrangement



<p>01</p> <p>ArkleBoyce.</p> <p>2005-AP-013</p>		<p>02</p> <p>2005-AP-012</p>		<p>01</p> <p>2005-AP-012</p>		<p>B-B</p> <p>2005-AP-014</p>		<p>Proposed GA plan</p> <p>20051</p>	
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Existing 3D View



Proposed 3D View



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COMMITTEE REPORT

Date: 7 January 2021 **Ward:** Wheldrake
Team: East Area **Parish:** Wheldrake Parish
Council

Reference: 20/01546/FUL
Application at: North Selby Mine New Road Deighton York YO19 6EZ
For: Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year
By: Mr Peter Massie
Application Type: Full Application
Target Date: 18 December 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to vary condition 4 of planning permission 19/00078/OUTM granted on 7.8.2020 for a leisure development of touring and static caravans at the former North Selby Mine site. Condition 4 imposed an occupancy restriction of a 28 day duration of stay in each year for each individual, family or group of people to prevent the caravans being used for permanent residential accommodation. It currently reads as follows:

"The static and mobile caravans shall be occupied for holiday letting purposes only and not as a person's sole or main place of residence. For the purpose of this condition, "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 nights in any one calendar year.

No individual caravan, motor home or tent (whether occupied or otherwise) shall be located on the site hereby permitted for a total of more than 28 nights in any one calendar year.

The site owner/operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site, including dates and

durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its position in the Green Belt.”

1.2 The application is supported by a Planning Statement, which sets out the reasons for the request to vary the condition. The applicant considers that the wording of condition 4 is overly restrictive and not in accordance with other similar sites in the locality and suggests a less restrictive form of wording, namely:

“The caravans on the site shall not be occupied otherwise than in accordance with the following terms:

- (i) the caravans shall be occupied for holiday purposes only;
- (ii) the caravans shall not be occupied as a person’s sole or main place of residence; and,
- (iii) the owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and their main home addresses, and shall make this information available at all reasonable times to the local planning authority.”

1.4 The application has been called-in to Committee by the local ward member, Councillor Vassie. This is on the basis that the site is of major strategic importance to the whole city as a potential source of renewable energy and should not be used as a caravan park.

1.5 The original outline application was accompanied by an Environment Statement as it was considered to be ‘EIA development’ following the publication of a screening and scoping opinion by the local planning authority. This Section 73 application, whilst related, would not have any significant further environmental impacts over and above those considered as part of the original application. Also, given the short passage of time since the original application was considered and determined, there has been no substantial material change to the local environment or policy that requires the submission of further environmental information. The original EIA remains valid.

2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy policies:

YH9(C)

Y1(C1 and C2)

2.2 City of York Draft Local Plan Incorporating the 4th set of changes –
Development Control Local Plan (Approved April 2005) – relevant policies:

V5 – Caravan/Camping Sites

2.3 City of York Local Plan – Publication Draft February 2018 (Regulation 19
Consultation) (“2018 Draft Local Plan”) – relevant policies:

EC4 – Tourism

EC5 – Rural Economy

3.0 CONSULTATIONS

INTERNAL

Strategic Planning

3.1 The overall principles of the development, particularly in relation to the proposed development in the Green Belt and impact on the rural economy, were established through the granting of planning permission 19/00078/OUTM, and therefore do not form part of the policy analysis of this application.

3.2 The 2018 Draft Local Plan supports the principle of self-catering chalet type accommodation, but aims to restrict occupancy of this type of unit to ensure that they are not used as permanent residential accommodation. Justification for Policy EC5 provides the rationale identifying that whilst self-catering holiday provision supports the local tourism economy, it may be located in areas not supported for residential development in accordance with the plan. For this reason, occupancy conditions are imposed on such developments to ensure that they are not used for permanent accommodation, and consequently, remain only available for holiday provision.

3.3 The 2019 outline application was granted consent for leisure development and considered appropriately against policy SS1 'Delivering Sustainable Growth for York'. In considering the application, the policies and analysis provided to the overarching application will have considered the temporary nature of people's stay at the site and likely activities/impacts as a result. As a leisure application and giving moderate weight to the provisions in policy EC5, permanent occupation of the site would not have been supported.

3.4 The Development Management Officer must consider whether the suggested revision to the condition wording would result in a greater risk of the caravans not being used for holiday accommodation, and potentially a greater risk of them being used as permanent residences.

Design Conservation and Sustainable Development

3.5 Development Management to assess.

Public Rights of Way

3.6 No objection.

Councillor Vassie

3.7 Raises concern at the disregard and disinterest given to the potential value of this site, which is of major strategic importance to the whole city as a potential source of renewable energy, and the approval to use the site for pitching of caravans.

- The site's significant power connection to the Grid means that it is ideally suited to be a generator of electricity.
- There are several potential renewable energy sources available on the site, from wind power to geothermal energy.
- CYC is committed to delivering a zero carbon future, as is the nation, and ensuring that all potential renewable energy sources are properly audited and exploited is key to delivering that zero carbon future.
- The University of Leeds Earth Sciences department has identified the site as a potential source of geothermal energy and discussed this with the climate change

policy and scrutiny committee in the past few weeks, and senior officers are aware of this.

- District heating derived from heat exchange systems using flooded tunnels in old mines is now an established technology exploited in British and European countries.

EXTERNAL

Natural England

3.8 No comments to make.

Highways England

3.9 No objection.

Ouse and Derwent Internal Drainage Board

3.10 As condition does not relate to drainage, the Board does not feel it is appropriate to comment.

North Yorkshire County Council

3.11 No comments.

Selby District Council

3.12 No comments.

Deighton Parish Council

3.13 Object on grounds that the original planning permission was given for residential use only and not residential use as site sits firmly within the Green Belt.

Escrick Parish Council

3.14 Qualified support in principle to amend the imposed condition. Following comments made:

- applicant agreed to the number of units being the maximum number required. Would strongly object if a further application to vary condition 3 (restricting number of caravans) was made in the future;
- supported change of use to leisure development in principle on basis that no permanent occupation of the holiday accommodation;
- no site management plan is provided to state whether the site will operate the full 12 months a year and what occupancy restriction will be imposed;
- important that accommodation is not used as use class C3 (residential) as occupants living permanently on the site would have implications for education, health and social provision;
- applicant's comment of wanting parity with other holiday parks in surrounding area is difficult to reconcile as not aware of any other holiday parks of this large scale;
- parish councillors have knowledge of local examples where children living in caravans and holiday lodges at holiday parks on a full time basis as their only home and attend schools or retired people who live full time;
- 5 of the 14 dwellings for sale in Escrick on Rightmove are for holiday lodges at Hollicarrs;
- a replacement condition is proposed which restricts use to holiday accommodation and to same person, group or family for no more than 6 months in any one calendar year with occupation restricted to 12 weeks with 4 week break period; a site management plan to be submitted; and confirmation of a continuous 4 week annual closure period.

4.0 REPRESENTATIONS

4.1 Representations from 3 local residents – comments summarised as follows:

- Leisure development should not become residential site the size of a village;
- Environmental impact needs to be reviewed;
- Massive impact on road and dangerous junction with impact on local residents.

5.0 APPRAISAL

5.1 The main considerations relevant to the determination of this Section 73 application are as follows:

- Impact on local services
- Impact on tourism and rural economy

LEGISLATIVE BACKGROUND

5.2 Section 73 of the Town and Country Planning Act 1990 (as amended) allows for development of land that has planning permission without compliance with conditions attached to the previous approval. It allows for modification of approved proposals where these are not fundamental or substantial.

POLICY CONTEXT

Development Plan

5.3 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Development Control Local Plan

5.4 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2. The site falls outside the main urban area of the City and within the general extent of Green Belt on the proposals map accompanying the 2005 Draft Plan.

Publication Draft Local Plan

5.5 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the 2018 Draft Plan took place in December 2019. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.6 Relevant policies are set out in section 2 and are attributed moderate weight. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. This evidence base includes the 2003 Approach to Green Belt Appraisal, Historic Character and Setting Technical Paper (Jan 2011) and update (June 2013) and the Green Belt Topic Paper TP1 Addendum (March 2019), which confirm that the site is within the general extent of York's Green Belt. As such, the site is shown on the proposals map accompanying the 2018 Draft Plan as being within the general extent of Green Belt.

5.7 Relevant policies in the 2018 Draft Plan are EC4 'Tourism' and EC5 'Rural Economy'. Policy EC4 acknowledges the role tourism plays in York in contributing to a diverse economy. To encourage this, proposals that improve the choice and quality of visitor accommodation are supported, especially higher spending visitors.

5.8 Policy EC5 states that York's rural economy will be sustained and diversified through, inter alia, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and within walking distance of public transport to York, and would not generate significant volumes of traffic. It goes on to advise the attaching of a seasonal occupancy condition to permissions for visitor accommodation where it is not suitable for year-round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of the year. The supporting text to this policy explains that whilst the provision of self-catering chalet holiday home parks will be

supported in principle where they will support the tourism industry in York. However, the occupancy of the units will be restricted to ensure that they cannot be used as residential accommodation as a sole or main place of residence and to ensure the accommodation is only available for holiday lettings.

National Planning Policy Framework

5.9 Central Government guidance is contained in the National Planning Policy Framework (NPPF), which places emphasis on achieving sustainable development. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The footnote to Paragraph 11 lists those areas and assets of particular importance where this presumption in favour of sustainable development does not apply, which include land in Green Belt.

APPLICANT'S CASE

5.10 The proposed variation to condition 4 of the original outline approval is sought because the applicant believes that it is overly restrictive and makes the scheme unable to compete successfully with other businesses of a similar size in the surrounding area. The applicant contends that the condition is not considered to be appropriate to the size of the scheme and its use as a holiday park, which it considers is less likely to be open to abuse than units unrelated to a holiday park. An alternative condition is suggested (see paragraph 1.2 above) that reflects the essence of the original condition and thereby ensures the proposal would not result in permanent residential accommodation. This condition seeks to restrict occupation to holiday purposes only and requires a register to be kept of names and addresses of owner/occupants.

5.11 Other applications in the City's administrative area are cited that have similar worded conditions and not the restrictive wording of condition 4. Reference is also made to planning applications for developments of a similar scale and use in the surrounding area, such as Hollicarrs Holiday Park at Escrick (granted by Selby

District Council) and the Allerthorpe Golf and Holiday Park Retreat (refused by ERYC but allowed on appeal), and nationally, particularly East Riding, which have less restrictive conditions along the lines suggested by the applicant. Further, numerous appeal decisions including the wording of conditions to restrict permanent residential occupancy by Inspectors are cited, which are also similar to the wording suggested by the applicant.

5.12 It goes to state that the variation of the condition would not affect the impact of the site on openness of the Green Belt as the current wording does not restrict occupation throughout the year. Nor would it affect visual amenity for the same reason and considering the extensive landscaping. The condition with a more frequent turnover is considered to lead to a higher level of comings and goings.

5.13 It highlights the diverse nature of holidays in the UK and the need for flexibility within the leisure sector in the UK, especially in light of Brexit and Covid-19. Advice from the selling agent (Savills) has advised that the 28 day stay limitation would considerably impact the economic viability and sale of caravans on the site. It refers to the move away from hire fleet sites by the large holiday park operators and move towards private ownership of holiday caravans.

ASSESSMENT

5.14 The principle of the use of the site with operational works for a leisure development providing holiday accommodation in static and touring caravans has been established by the original outline planning permission 19/00078/OUTM. The proposal, which would remain in the same use, over the same area of land with the same overall number of units of accommodation, would have no additional impact on biodiversity, archaeology, access and highway safety, or contamination subject to the imposition of conditions to mitigate any previously identified harm.

5.15 The intention of condition 4 is to prevent the unfettered use of the permitted holiday accommodation for permanent residential occupation. This condition has been applied to many permissions for holiday accommodation in York in order to prevent use as permanent residential accommodation. This is to address the potential impact on local health and education services and avoid the introduction of residential paraphernalia that can detract from openness of the Green Belt. It can also be useful in places near to fragile habitat to allow for seasonal breeding or winter feeding to take place.

5.16 The national policy context is outlined in the NPPF at paragraph 83(c), which seeks sustainable rural tourism and leisure developments which respect the character of the countryside. Circular 11/95, cancelled and replaced by the Planning Practice Guidance, contained model conditions, including a condition that restricted holiday accommodation to a date range referring to a defined season (e.g. February to November), often the winter months, where the holiday accommodation was unsuitable for occupation all year round. However, a seasonal occupancy condition does not take account for improvements in caravan standards and increased interest in all-year round holidays, including visits to Christmas markets, seasonal events and visits in winter school holidays.

5.17 Policy EC5 of the 2018 Draft Plan advises attaching a seasonal occupancy condition to permissions where its location, design or proximity to special habitat make the site not suitable for year-round occupation. In the supporting text to the policy it affirms the support for a range of tourist accommodation and the growing interest in self-catering chalet holiday home parks that are available throughout the year, which is supported in principle by the Council on the basis that they will support the tourism industry in York. However, it refers to the imposition of occupancy conditions to ensure the accommodation is not used as a sole or main place of residence thereby ensuring it is only available for holiday lettings. This is not defined in the text, but the word 'lettings' suggests accommodation for rent/hire.

5.18 The wording of condition 4 as applied to the granted permission prevents permanent residential occupancy and limits stay to a 28 day period for a person, family or group within any one year. However, it would prevent the caravans being viable as holiday homes as periods of occupation by the owner would be overly restricted. The applicant has confirmed that there is no demand within the market for development of the site with such a restrictive condition as this is not reflective of the operation of holiday parks, with the exception of companies such as Centre Parcs whose draw is the setting and on-site facilities, such as swimming pools and activities.

5.19 A longer time period has been discussed with the applicant in an attempt to find a compromise that seeks to sufficiently restrict the use to holiday accommodation that contributes to the local rural and tourism economy and prevent permanent residential accommodation, whilst allowing longer periods of stay by owners of the static caravans. However, the applicant points to the lack of such stringent conditions on other larger caravan sites in the local area or close to York's

administrative boundary, such as Hollicarrs and Allerthorpe, which would make this site less competitive.

5.20 In particular, the wording of the conditions imposed by an inspector in allowing 150 holiday lodges and caravans on appeal at Allerthorpe in 2017 is of relevance. The conditions, which sought to address permanent occupancy, are as proposed by the applicant in that they require the accommodation to be for holiday purposes only, not occupied as a sole or main place of residence and require an up to date register to be provided. On this basis, and despite challenges to the efficacy of the conditions, the inspector was satisfied that the conditions would prevent occupation of the units as permanent residential accommodation.

5.21 Overall, it is considered that the changes are not substantial or fundamental in the context of the approved scheme and can therefore be dealt with as a variation to the original approval, and that the wording of the condition should be varied to reflect that sought by the applicant for the reasons set out above.

6.0 CONCLUSION

6.1 The applicant considers the wording of condition 4 previously imposed to be unduly restrictive and, therefore, would not be attractive to the market; it would potentially make the development economically unviable and not on a level playing field with other large holiday sites in neighbouring authorities that the site would compete with. It is considered that a condition is required to restrict occupancy in order to avoid permanent residential accommodation and on the basis of the case put forward by the applicant could be achieved through similar wording to that suggested by the applicant. It is, therefore, recommended that condition 4 be varied by removal of the reference to the 28 days period of occupation as requested.

6.2 Subject to the retention of an occupancy condition, there would be no further harm identified.

7.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the

date of this permission and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of change of use of the land, building or engineering works, and the development shall be carried out in accordance with such details:

These details shall include: internal access road details, appearance, landscaping of site, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 The number of static caravan pitches on site shall be restricted to no more than 231, to be sited in the area totalling 6.24ha that is marked as the Bowl and shown coloured lilac on the submitted Parameters Plan no.2356.02 Rev.03.

The number of touring caravans and tent pitches shall be restricted to 92, to be sited in the area totalling 1.49ha that is marked as the Woodland and shown coloured rose pink on the submitted Parameters Plan no.2356.02 Rev.03.

Reason: The condition is imposed to ensure that the number of caravans is not increased to a level which could harm the appearance or character of the area, openness of the Green Belt, nature conservation value of the wider site and in the interests of highway safety.

4 The site shall not be occupied otherwise than in accordance with the following terms;

(i) the caravans shall be occupied for holiday purposes only;

(ii) the caravans shall not be occupied as a person's sole or main place of residence;

(iii) the site owner/operator shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the accommodation on site,

including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its remote position in the Green Belt and to prevent increased pressure on health and education services in the City.

5 Before the stationing of any static caravans hereby approved, details of the external materials and muted colours of the static caravans shall be submitted to and approved by the Local Planning Authority in writing. Only caravans constructed/sited in accordance with the approved details shall be stationed on site.

NOTE: The colour finish to the static caravans shall be a recessive colour(s).

Reason: In the interests of visual amenity given the sensitive rural location of the site.

6 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role 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 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 secure practical measures to avoid or reduce impacts to biodiversity features and the Site of Importance to Nature Conservation (SINC) during construction, as appropriate to the scale of development. The details are required

prior to commencement in order to ensure that they are in force at an appropriate point in the development procedure and during the whole of the construction phase of the development.

7 Prior to or concurrently with the first Reserved Matters application, updated ecology surveys along with updates to the relevant mitigation plans shall be submitted to the Local Planning Authority for approval. This is with particular reference to Bats (roosting within building), Barn Owl, Water Vole and Grass Snake. The scheme shall be fully implemented in accordance with the approved mitigation plans.

NOTE: The plans shall include details of a timetable for delivery of any mitigation measures.

Reason: To ensure that species and their habitats are adequately protected. The details are required prior to commencement in order to prevent irreversible harm to a biodiversity.

8 No works (site clearance, preparatory work or development) shall commence until the Local Planning Authority has been provided with:

- a) a European Protected Species Licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead, along with appropriate mitigation for Great Crested Newts.
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the protection of a European protected species using the site. The details are required prior to commencement in order to prevent irreversible harm to a protected species.

9 Prior to or concurrently with the first reserved matters application, a survey of trees within and immediately adjacent to the site, an arboricultural impact assessment, a schedule of works, and a draft arboricultural method statement and tree protection plan, all in accordance with British Standard BS 5837, shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

NOTE: The details shall include a timetable for the delivery of any necessary works to trees.

Reason: To ensure the retention and protection of existing trees that are desirable and/or suitable for retention before, during and after development and to allow an accurate assessment of the compatibility of the detailed development proposals with

existing trees that make a significant contribution to landscape mitigation, and the amenity of the area and/or development.

10 Prior to or concurrently with the first Reserved Matters application, detailed long term management and monitoring of the Site of Importance to Nature Conservation (SINC) shall be submitted to and approved in writing by the Local Planning Authority. These shall be in line with the already submitted SINC Management Proposals, FPCR Environment and Design Ltd, July 2019. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that there is adequate long term management of the SINC.

11 Prior to or concurrently with the first Reserved Matters application, a detailed Site Wide Recreation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be in line with the already submitted Harworth Estates Investments Ltd, North Selby Leisure Proposal, Recreation Strategy, 5th August 2019 and drawing 2356.08 Recreation Strategy Plan. The scheme shall be implemented in accordance with the approved details.

NOTE: The strategy shall include a timetable for the its delivery.

Reason: To ensure that there is proper mitigation given to the impact of the development on ecology with the site.

12 Any reserved matters application shall include a detailed landscape scheme. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving and other hard landscape details, and street furniture, and any phasing of implementation. This scheme shall be implemented within a period of six months of the practical completion of the development or any phase thereof. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

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

Reason: In the interest of satisfactory and sustainable drainage.

14 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations: The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDS). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDS.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

As SuDS have been proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public

sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant shall provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. No part of the development to be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of any ground works on site to ensure that adequate measures are put in place for the disposal of drainage from the site.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no part of the development hereby permitted shall be occupied prior to completion of the approved foul drainage works.

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

16 No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. No trees shall be planted within 5 metres of the centre line of any water main that is located within the site boundary i.e. protected strip widths of 10 metres per water main.

Reason: In the interest of public health and maintaining the public water supply. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

17 No works involved in the raising of the road at its access with New Road shall commence until a scheme for compensatory flood storage for the loss of floodplain

from raising the road has been submitted to and approved in writing by the local planning authority. The scheme shall provide level for level compensatory storage outside of flood zone 3. It must include:

- calculations and section drawings that show that the compensatory storage volume is hydraulically and hydrologically connected to the floodplain such that it provides level for level compensation allowing floodwaters to rise and fall as existing.
- a Flood Warning and Evacuation Plan for future users of the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing and phasing arrangements, or within any other period as may subsequently be agreed in writing by the local planning authority.
- no permanent structures shall be built within Flood Zone 3 as defined on the Environment Agency's Flood Map for Planning.

Reason: To reduce the risk of flooding to the proposed development and its future users.

18 A strip of land 9 metres wide adjacent to the top of both banks of Half Penny Dyke and Bridge Dyke on site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless otherwise agreed in writing with the Local Planning Authority. Ground levels shall not be raised in this area.

NOTE: Please ensure that access arrangements are agreed with the Internal Drainage Board.

Reason: To maintain access to the watercourse for maintenance or improvements.

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

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

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

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

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

Details shall be provided about the management of construction and contractor traffic and parking. The CEMP shall include a dilapidation survey of the area around the junction of the A19 and New Road should be provided.

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

Reason: To protect the amenity of the locality. It is necessary to require this information prior to commencement of any development to prevent irreversible harm occurring as part of the works.

20 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

21 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Any remediation that is required to the area of Site of Importance to Nature Conservation to allow people access, should ensure that nature conservation interests take priority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

22 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

23 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

24 Details of all machinery, plant and equipment to be installed in or located on the site, which is audible outside of the site, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

of the area.

25 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

26 Details of any acoustic noise barrier to protect the amenity of residential dwellings to the north eastern part of the site, where gardens back onto the A19, shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: To protect the amenity of local residents.

27 No part of the development hereby permitted shall commence be commenced until the full design and construction details of the following have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full prior to the site coming into use.

- Improvements to the footpath on the A19 from the access point to New Road to the petrol station/shop to be widened to enable bicycles to use it to connect to National Cycle Route 65 (approx. 200m in length).
- Informal crossing point to be provided before the petrol station (making use of the central reservation for a two stage crossing) to enable users to cross the A19 and join the path on the western side of the A19 and safely access National Cycle Route 65.
- Signage to mark the link to the Sustrans route.
- Traffic calming measures near the site access road will be provided in the form of electronic flashing warning signs (or similar).

Reason: In the interests of highway safety and to provide for and promote appropriate safe and usable pedestrian and cycle access to facilities.

28 Prior to or concurrently with the first reserved matters application, details of the access road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include passing places to facilitate traffic movements

when caravans, HGVs and agricultural vehicles might conflict with each other or with cyclists, pedestrians and horse riders. The scheme shall be implemented in accordance with the approved details.

NOTE: The details shall include a timetable for the delivery of the works to New Road.

Reason: In the interest of road safety.

29 Prior to or concurrently with the first reserved matters application, details of the following shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

- Internal road details;
- Consideration of pedestrian and cycle links to Wheldrake;
- Staff and visitor car parking and delivery bays/turning areas;
- Secure cycle parking for staff and visitors.

Reason: In the interest of road safety.

NOTE:

The site layout needs to ensure that queues can be accommodated without impeding access by local residents or emergency services and consider the needs of horse riders.

The details shall include a timetable for the delivery of the approved works.

30 Prior to the development hereby approved coming into use, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include a site management strategy to ensure that peak traffic to and from the site (changeover times) avoid A19 peak hours (weekday am/pm peaks and Saturday midday peak). The approved travel plan shall thereafter be fully implemented and adhered to.

NOTE: The plan shall include details of a timetable for the delivery of mitigation measures.

Reason: In the interest of sustainable transport and road safety.

31 Prior to or concurrently with the first reserved matters application, a plan shall be submitted to and approved in writing by the Local Planning Authority showing a sensitive lighting design strategy for the development. The scheme shall ensure that there is no lighting within woodland areas or sensitive habitats or dispersed on to

New Road. The development shall be carried out in accordance with the approved scheme.

NOTE: The plan shall include a timetable for the delivery of the strategy.

Reason: In the interests of visual amenity, to achieve a safe environment and to protect biodiversity and residential amenity.

32 Before the occupation of the development, 2% of parking spaces on the site should include facilities for charging electric vehicles. The exact number, position and specification of points should be agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Notes:

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle.
- Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future.
- Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38)

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

- Pre-application advice provided;
- Revisions made to the scheme to address LPA opinion and consultee responses;
- Imposition of conditions.

2. INFORMATIVE NOTE - DRAINAGE

- i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.
- ii) As per the above design considerations the modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required and not just the 6 hour duration.
- iii) The applicant should be advised that the Ouse & Derwent Internal Drainage Board's prior consent is required (outside the planning process) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.
- iv) The disposal of treated sewage effluent is not the intended function of the land drainage network and accordingly the Ouse & Derwent Internal Drainage Board will only be prepared to accept the treated foul flow if the combined rate of discharge for surface water and treated effluent does not exceed the discharge rate agreed/approved above.

3. MAINTENANCE RESPONSIBILITY - GENERAL

The proposed development is within the Internal Drainage Board's area and is adjacent to the Half Penny Dyke and Bridge Dyke, which at these locations, are maintained by the Board under permissive powers within the Land Drainage Act. 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.

4. CONSENT - DISCHARGE

Under the Internal Drainage Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

5. INFORMATIVE:

The applicant or developer is encouraged to investigate improvements to the road surface, the provision of speed restricting measures and the creation of a segregated footpath/cycleway along the private road, New Road.

Contact details:

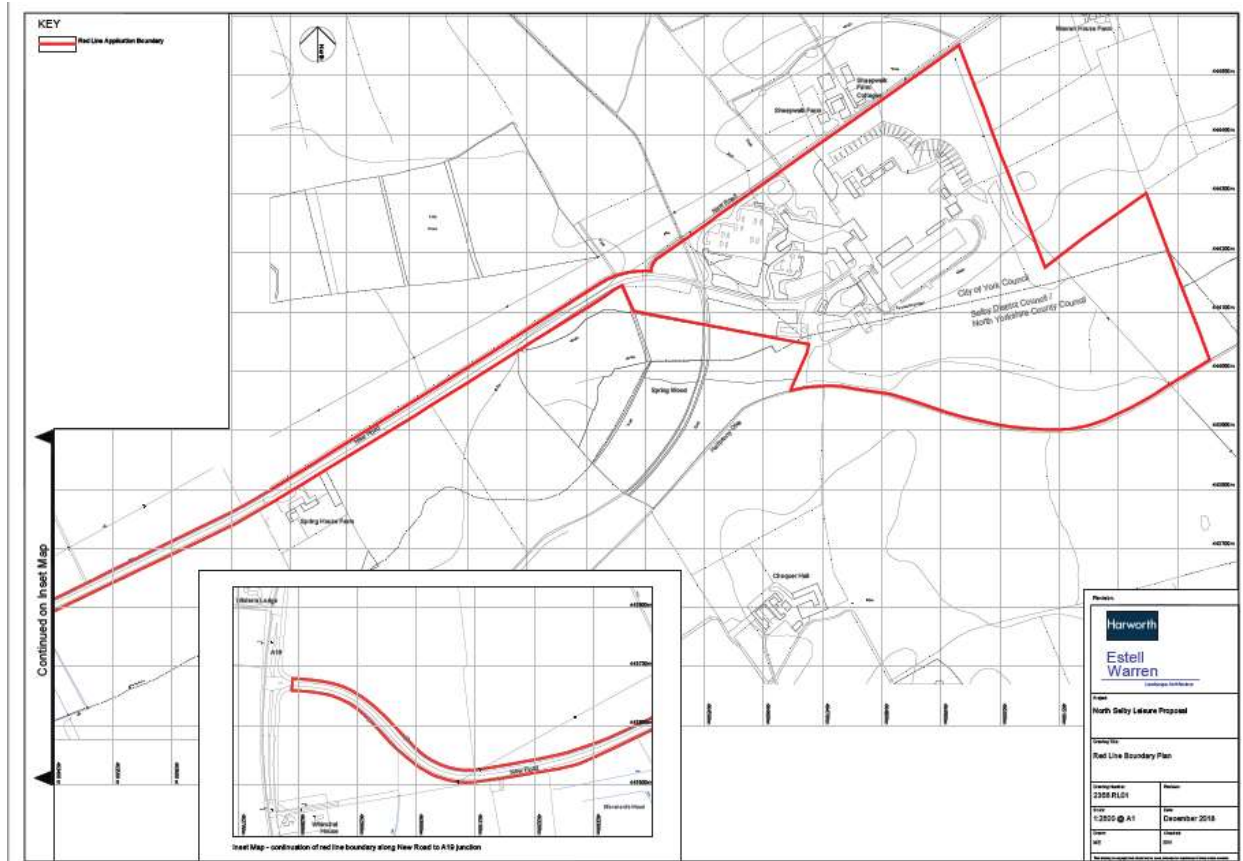
Case Officer: Hannah Blackburn

Tel No: 01904 551325

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North Selby Mine, New Road, Deighton, York, YO19 6EZ

20/01546/FUL



Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	22 December 2020
SLA Number	

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Planning Committee

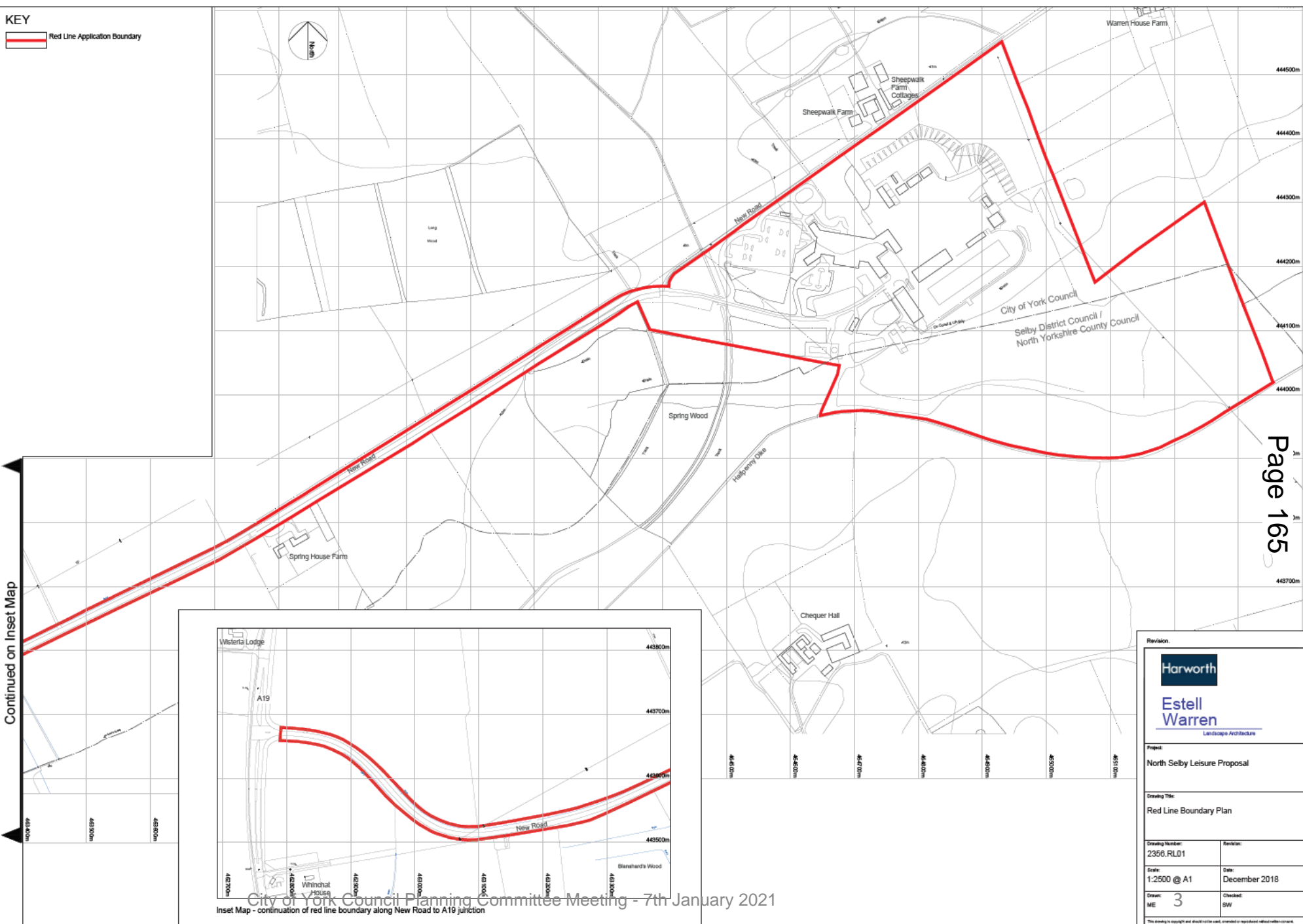
To be held remotely on Thursday 7th January 2021

20/01546/FUL - North Selby Mine , New Road, Deighton, York

Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year

Site Location Plan


KEY
 Red Line Application Boundary



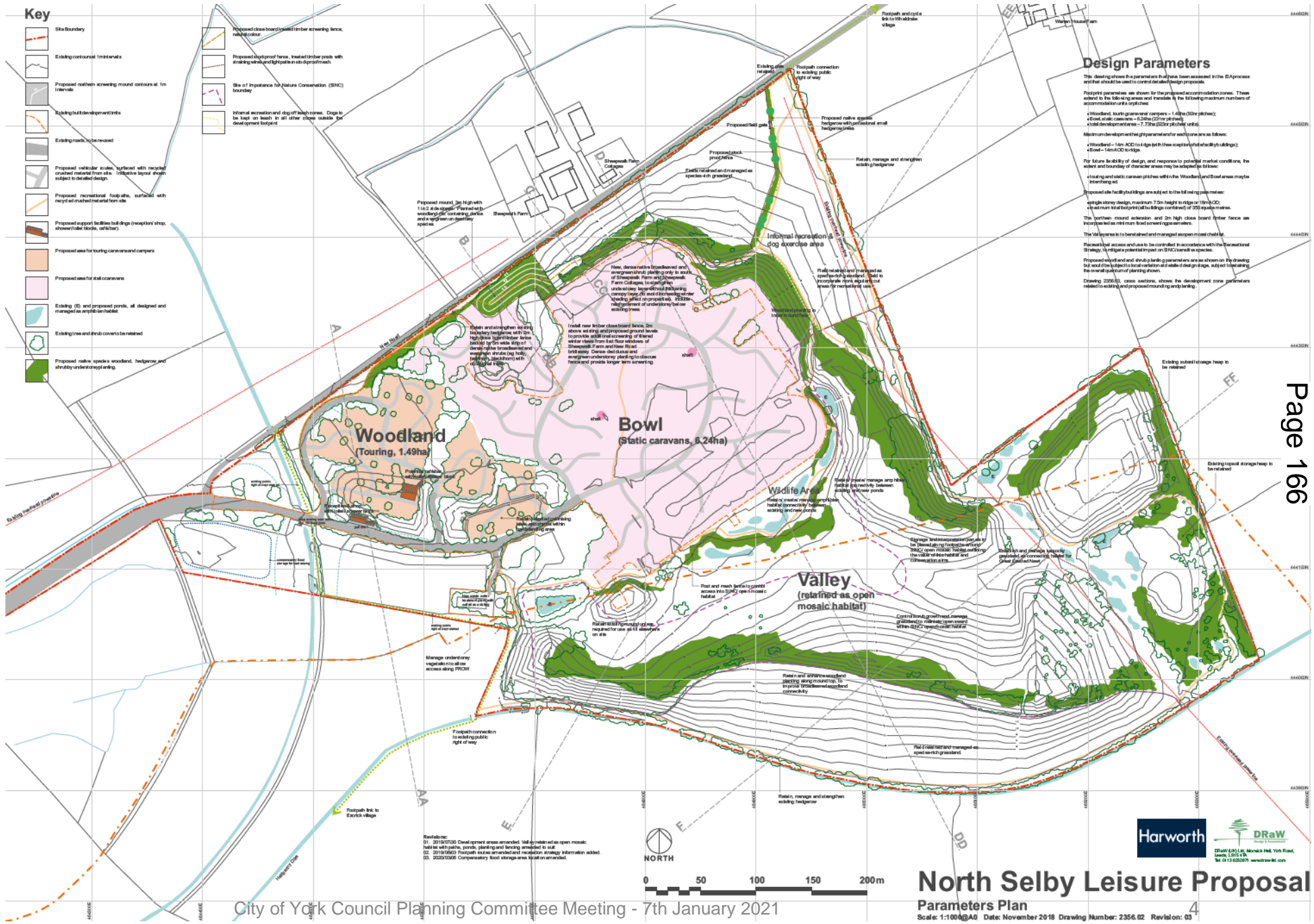
Page 165



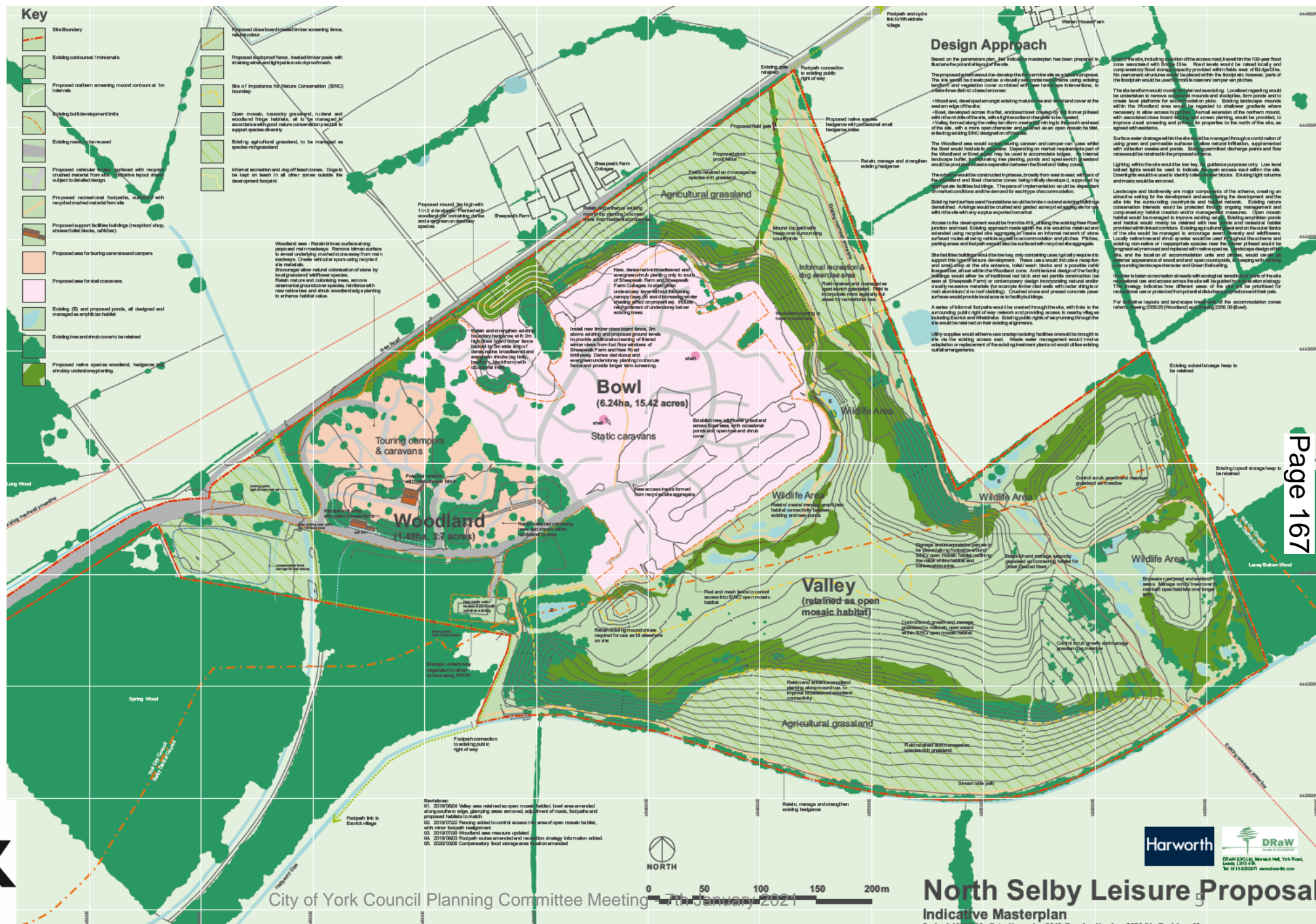
City of York Council Planning Committee Meeting - 7th January 2021

Revision:	
 Estell Warren Landscape Architecture	
Project: North Selby Leisure Proposal	
Drawing Title: Red Line Boundary Plan	
Drawing Number: 2356.RL01	Revision:
Scale: 1:2500 @ A1	Date: December 2018
Drawn: ME 3	Checked: SW

Site Parameters Plan from approved application 19/00078/OUTM



Indicative Master Plan from approved application 19/00078/OUTM



City of York Council Planning Committee Meeting 7th January 2021

North Selby Leisure Proposal
 Indicative Masterplan
 Scale: 1:1000 Date: November 2018 Drawing Number: 2356.04 Revision: 05

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