



## **Notice of a public meeting of**

### **Planning Committee B**

**To:** Councillors B Burton (Chair), Cullwick (Vice-Chair), Baxter, Fenton, Melly, Nelson, Orrell, Vassie and Warters

**Date:** Monday, 24 March 2025

**Time:** 4.30 pm

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

### **AGENDA**

**1. Apologies for Absence**

To receive and note apologies for absence.

**2. Declarations of Interest**

(Pages 7 - 8)

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

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

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

- 3. Minutes** (Pages 9 - 14)  
To approve and sign the minutes of the last Planning Committee B meeting held on 30 January 2025 [to follow] and 26 February 2025.

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

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings.** The deadline for registering at this meeting is **5:00pm on Thursday, 20 March 2025.**

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- 5. Plans List**  
This item invites Members to determine the following planning applications:

- a) **5 Main Street, Heslington, York, YO10 5EA** (Pages 15 - 46)  
**[24/01377/FULM]**

Change of use of offices (use class E) to 25no. bed purpose-built student accommodation, erection of a single storey extension to The Hive and associated external works. [Fulford and Heslington Ward]

- b) **5 Main Street, Heslington, York, YO10 5EA,** (Pages 47 - 56)  
**[24/01378/LBC]**

Internal and external alterations to facilitate change of use of offices (use class E) to purpose-built student accommodation. [Fulford and Heslington Ward]

- c) **St Oswalds Church of England Primary** (Pages 57 - 82)  
**School, Heslington Lane, York, YO10 4LX**  
**[24/01931/FUL]**

Single storey side extension, new pedestrian access gates and paving, alterations to hard and soft landscaping, and siting of PV solar array to main roof. [Fulford and Heslington Ward]

- d) **Site at Junction of Osbaldwick Road and Hull** (Pages 83 - 114)  
**Road, Osbaldwick, York [24/01851/FULM]**

Erection of 2no. battery storage facilities, with 1no. facility of 40no. battery storage units within the existing Osbaldwick substation area and 1no. facility of 4no. battery storage units on land to the east of the sub-station, with ancillary structures and infrastructure, associated vehicle accesses, including new access track, and enclosed by 3 metre high palisade security fencing, 3.5 metre high acoustic barrier, and with 5.1 metre high lighting and CCTV columns. [Osbaldwick and Derwent Ward]

## **6. Urgent Business**

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

Democracy Officer:

Jane Meller

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### Declarations of Interest – guidance for Members

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

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

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

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

City of York Council	Committee Minutes
Meeting	Planning Committee B
Date	26 February 2025
Present	Councillors B Burton (Chair), Cullwick (Vice-Chair), Baxter, Fenton, Melly, Nelson, Orrell, Vassie and Warters
Officers Present	Gareth Arnold, Development Manager Sandra Branigan, Senior Lawyer Jodi Ingram, Lawyer

#### **60. Apologies for Absence (4.31 pm)**

None were received.

#### **61. Declarations of Interest (4.31 pm)**

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

None were received.

#### **62. Public Participation (4.32 pm)**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Ben Ffrench, a resident, highlighted York's housing emergency, noting that there were approximately 1500 families waiting for housing. He stated that social and affordable housing should be a priority. He made reference to the applications on the agenda, and suggested that, in relation to item 4a, the affordable housing development at Askham should be started in preference to the temporary health centre. He welcomed the proposed development of five homes for item 4b, noting that five households will be given a permanent home as a result.

**63. Plans List (4.36 pm)**

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers. Item 4b was considered first due to the number of public attendees for this item.

**64. Askham Bar, Tadcaster Road, Dringhouses York  
[24/02106/FULM] (6.10 pm)**

Members considered a major full application by Nimbus Care for the retention of temporary buildings and erection of additional temporary structures as a Primary Care Medical Centre (use class E(e)) with associated parking and access for a period of 24 months.

The Development Manager gave a presentation on the plans and confirmed that there was no further update to the officer report.

In response to questions from Members, it was reported that:

- Provision for accessible cycle parking could be included by a condition should Members feel it was reasonable and necessary.
- The travel plan makes no provision for which patients were referred to which facility based on their location.
- Should the plans for housing be brought forward, the lease could be terminated; the applicant was not gaining any use rights from the series of planning permissions.

Members expressed a desire for an informative in relation to the referral of patients to their nearest site.

Following a brief debate, Cllr Warters proposed the officer recommendation to approve the application, and this was seconded by Cllr Vassie. On being put to a vote, Members voted unanimously in favour of the application, and it was therefore:

Resolved: That the application be approved subject to an amendment to condition five, to require the provision of accessible cycle parking and an informative requesting that the scheduling of appointments take into account the geographical location of the patient.



Reason: The application relates to the former Askham Bar Park and Ride, a brownfield site allocated in the Draft Local Plan 2018 (Policy H1) as a proposed location for housing. The site is currently in use as a temporary care centre, established as part of the Class A emergency plan for the use as a Covid vaccination centre in 2020. The continued temporary use of the site for health care purposes notwithstanding the previous time limited consent, retaining and partially expanding the existing area of modular buildings is considered acceptable in principle. The site is in a sustainable location and there would be no harm to visual or neighbour amenity. The application is in accordance with draft Local Plan policy HW5, T1, D1 (as modified) and the relevant provisions of the NPPF.

**65. Garages at Hawthorn Terrace South, New Earswick, York [23/01879/FUL] (4.36 pm)**

Members considered a full application by Joseph Rowntree Housing Trust for the erection of 5no. dwellings following demolition of existing garages with associated access, parking and landscaping.

The Development Manager gave a presentation on the plans and provided an update to Members which contained additional consultation responses, an additional representation and a correction to the report, noting that there was no change in the planning balance. The update also included an additional condition to remove permitted development rights for the construction of front garden boundary walls and fences in the interests of the character and appearance of the conservation area.

In response to questions on the plans, the location of the trees that were to be removed was identified and rear boundary was clarified. The officer confirmed that no further update had been received from Highways.

Public Speakers

Virginia Shaw spoke in objection, on behalf of residents, to ask the committee to refuse the application. She stated that five homes made no material difference to housing targets and the loss of mature trees was not mitigated by the new planting scheme. She felt the site could be better used to provide additional green space and parking.

In response to Member questions, she stated that there was an existing problem with congestion and access with cars parking on the terrace from surrounding roads that had no on street parking

Janice Pegg also spoke in objection on behalf of residents and raised concerns around access for emergency vehicles, noting that the road was congested at evenings and weekends as several roads needed to park in Hawthorn Terrace.

In response to questions from Members, she reported that six properties on Ivy Terrace could only be accessed from Hawthorn Terrace South. There was often nowhere to park cars and the garage area was often full up with parked cars at night.

Kathryn Jukes, the agent for the applicant, spoke in support of the application and noted that they had previously requested deferral, so that they could incorporate energy saving measures. She explained that they believed the community orchard was a suitable replacement for the trees that were to be removed and confirmed that all tenants of the garages had been relocated if they had requested to do so.

In response to questions to Members she explained the following:

- The detailed landscaping scheme was conditioned, and maintenance would be dealt with by Jospeh Rowntree.
- The garages were no longer practical for cars had been mostly used for storage in recent years; many of the leaseholders were not local residents; at the time of preparing the application two of the garages had been used for parking cars.
- Joseph Rowntree Housing Trust took a consistent approach, conserving the key principles of the development and acknowledging current needs.
- Inline solar panels were considered but discounted as should the system need replacing in the future the roof would need replacing.
- The parking spaces were standard size, EV charging options were being explored.

During further questions to officers, the following was reported:

- Double yellow lines had not been recommended by Highways.
- Windows at a 45-degree angle mitigates harmful overlooking.
- It was not possible to link the green space provision within another application with this one.
- The application pre-dates the current biodiversity net gain requirements.

- The loss of green space in the application was considered minimal and had been considered in the officer assessment of the planning balance.

The officer had visited the site on 3 evenings in the preceding week and reported that the garages were already out of use and while Hawthorn Terrace South was heavily parked and there was some double parking in the layby, there were additional parking spaces within the vicinity. He confirmed that there was some parking available during the evening.

Following debate, Cllr Melly proposed the officer recommendation to approve the application, and this was seconded by Cllr Baxter. Members voted seven in favour and two against, it was therefore:

Resolved: That the application be approved, subject to the amendments contained within the update.

Reason: The proposal would provide 5no. two-bedroom affordable houses (to rent) all of which would be provided by a Registered Social Housing Provider. This is in excess of the policy requirements for affordable housing for a development of this size. This has significant weight in the planning balance. Other benefits include; the utilisation of previously developed land for residential development in a sustainable location, removal of the uncharacteristic garages, suitable landscaping and parking for new occupiers and visitors.

Less than substantial harm has been identified to New Earswick Conservation Area (spaciousness reduced due to increase in built form, lack of pavement/grass verge and the visual impact of cars in the vicinity). Moderate harm has been identified from the loss of 4no. category B trees which are worthy of protection. Limited harm arises from the loss of a small proportion of open space (which is not replaced elsewhere).

The design and layout of the proposal is considered appropriate for the setting. The impact on the living conditions of neighbouring dwellings is not considered to be harmful. The proposal is not considered to have a detrimental impact on the highway network and garage occupiers have been given the opportunity to relocate. Due regard has been given to the Public Sector Equalities Duty. Matters such as ecology, landscaping,

sustainability, drainage, amenity and trees can be addressed by condition.

In the planning balance the provision of affordable housing and proposed public benefits are considered to outweigh the identified harms. In coming to this conclusion, considerable weight and importance has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and preserving the listed buildings or their setting. As such the development would accord with paragraph 215 of the NPPF and policy D4 of the Draft Local Plan (2018). The benefits would also overcome the conflict with policy identified at 5.69(b) and 5.69(c).

[6.06-6.10 pm, the meeting adjourned.]

Cllr B Burton, Chair

[The meeting started at 4.31 pm and finished at 6.31 pm].

## COMMITTEE REPORT

**Date:** 24 March 2025      **Ward:** Fulford And Heslington  
**Team:** East Area      **Parish:** Heslington Parish Council  
**Reference:** 24/01377/FULM  
**Application at:** 5 Main Street Heslington York YO10 5EA  
**For:** Change of use of offices (use class E) to 25no. bed purpose-built student accommodation, erection of a single storey extension to The Hive and associated external works.  
**By:** Miranda Lam  
**Application Type:** Major Full Application  
**Target Date:** 27 March 2025  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### The site

1.1 The application relates to land formerly owned by the university and buildings used as offices. The site was deemed surplus to requirements and marketed for sale in 2023. The site comprises of 5/5a fronting Main Street, a car parking area and a mid-20<sup>th</sup> century office building behind; referred to as the Hive. There is a garden area to the rear of the buildings.

1.2 The front building (no.5 / 5a) is grade II listed. It was used only for storage subsequent to it being sold by the university. The building behind is a mid-20<sup>th</sup> century office building of two storey and with decorative tiled cladding to its facade.

1.3 To each side of the site are a pair of domestic houses on the corner of Main Street / Field Lane and a public house on Main Street. The plot is also bound by residential property and a scout hut located on School Lane.

1.4 The site is within the Heslington Conservation Area. It is not in an area at risk of flooding.

#### The scheme

1.5 The scheme has been revised since the initial submission. The amount of development has been reduced in that a proposed extension to the rear of the Hive building has been omitted. The scheme is now essentially conversion, apart from

an approx. 6 sqm single storey extension proposed to the Hive building. The conversion would provide student accommodation with 25 bedrooms -

8 studio rooms (3 accessible)  
4 clusters with 17 rooms overall

1.6 The car park would be reconfigured; it would provide 2 disabled parking bays and 1 further space. Immediately behind the boundary wall soft landscaping would be introduced.

## **2.0 POLICY CONTEXT**

2.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.

2.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. The development plan is the Local Plan 2018. There is no adopted Neighbourhood Plan in respect of the application site.

2.3 The application site includes a listed building and is within a conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that -

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- In the exercise of planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### The National Planning Policy Framework (NPPF)

2.4 Sections 2 (achieving sustainable development), 5 (delivering a sufficient supply of homes), 6 (building a strong competitive economy), 8 (promoting healthy and safe communities), 12 (well-designed and beautiful places) and 16 (conserving and enhancing the historic environment) are of most relevance.

### Local Plan

2.5 The Local Plan was adopted on 27 February 2025. The following policies are considered of particular relevance -

- EC2 Loss of employment land
- H3 Balancing the housing market
- H7 Student housing
- D1 Placemaking
- D4 Conservation areas
- D5 Listed buildings
- CC2 Sustainable design and construction of new development
- GI2 Biodiversity and access to nature
- T1 Sustainable access

### Supplementary guidance

#### Heslington Conservation Area Appraisal (2009)

2.6 The document was prepared in 2008 and approved by the Council on 23rd April 2009.

2.7 The site is located within the Heslington Conservation Area. The key characteristic is described as that of a planned village constructed along two roads within a rural setting. The large gardens of many of the houses provide green open spaces within the village itself. The long and narrow secluded rear gardens of the properties along Main Street are important to the rural character of the village. These areas are also particularly important havens for local wildlife within the area. The Hive is considered one of only a few isolated negative buildings within the character area due to its form and architectural design.

#### Heslington Village Design Statement

2.8 The document was accepted as supplementary planning guidance in April 2004. Of note section 3.2.1 planning guidelines, paragraph 5 states “The gardens and open spaces behind and between the houses are of great value to the rural charm of the Village, are important for birds and wildlife and should be retained. There should be a presumption against the sub-division of gardens and open spaces when future planning applications are considered”.

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Affordable housing officer

3.1 Officers quote policy requirements for affordable housing set in Local Plan 2018 policy H7.

#### Design & Conservation – Archaeology

3.2 Advised no conditions requested following submission of revised plans.

#### Design & Conservation – Conservation Officer

3.3 Officers have confirmed that the revised plans address concerns initially raised in respect of internal works to the listed building.

#### Design & Conservation – Ecology

3.4 Officers made comment in respect of 10% biodiversity net gain (BNG). However, the revised scheme would be exempt from the 10% BNG requirement. Further to 10% BNG, conditions were requested to ensure lighting would not have an adverse effect on bats and for biodiversity enhancements; at least 2 bat boxes on the new building (note the new building is no longer proposed so this is not applicable), 3 bird boxes on a neighbouring tree and 2 bird boxes to trees.

#### Design & Conservation – Landscape

3.5 Objected to the original/superseded scheme due to -

- The significant risk of harm to some of the existing trees (3 trees due to the proposed rear extension to the Hive building (behind the listed building) and the cycle store proposed in front, that make a valuable contribution to the character and setting of the conservation area.
- The loss of useable garden space for the purposes of amenity and wellbeing.

3.6 Officer note – the revised scheme omits the rear extension and relocates the cycle store; the objections have been addressed.

#### Carbon Reduction Team

3.7 As required under policy CC2 proposals for non-residential conversions or change of use should achieve BREEAM Non-Domestic refurbishment and Fit out 'excellent' as a minimum.

#### Flood Risk Management

3.8 Advised on the surface water run-off rates that would be required if soakaways do not work. Officer note – comments in response to superseded plans which proposed a rear extension to the Hive. As the scheme is now a conversion no drainage details would be required.

#### Local plans / Strategic Planning



### **Loss of employment land**

3.9 The Council's Economic Strategy recognises the importance of protecting existing employment and commercial land that is both high and low value. It considers the planning system and Local Plan can play a large part in protecting existing employment sites by incentivising the redevelopment and enhancement of sites and buildings for employment use and stop housing uses from encroaching on our vital employment sites – using the planning system to drive the right growth. Policy EC2 requires that, in most cases, a minimum of 18 months effective marketing of the premises is undertaken. The offices are conveniently situated close to the University of York and evidence has been provided there was interest in use of the premises as offices (although they did not lead to an offer). Officers consider that the proposal as it stands is contrary to policy EC2 as 18 months marketing for an employment use has not been carried out. Once that has been completed, and if no interest in them for an employment use can be shown, a full analysis of the marketing, interest in the property and issues should be provided as evidence.

### **Student accommodation need**

3.10 The Council is in the process of producing a Student Housing Needs assessment and acknowledges there is ongoing need for this form of accommodation in the City. As part of this process, the Council is looking at bedspaces and affordability. Preliminary bedspace analysis shows that 50% of all student bedspaces built since 2012/13 have been studio bedroom apartments. An affordability issue has been identified with studio flats not delivered/managed by the university. Advice is that schemes should not propose more than 50% of bedspaces in studio flats (which is a higher percentage than our current provision in the city) as this would be excessive and will result in affordability issues contrary to DLP 2018 policy H3.

### Public Protection

3.11 Recommended conditions regarding internal noise levels and in case unexpected contamination is discovered. Recommended informative regarding construction management.

### Highway Network Management

3.12 Raised issue with the cycle store and asked for the car park area to accommodate turning for a 3.5 tonne van. Conditions have been recommended.

- The proposed cycle store is too small to accommodate the required no. of cycles
- It is more than 20m from the relevant building entrance.
- No space has been identified for potential expansion.

EXTERNAL

Internal Drainage Board

3.13 Explain policy approach towards drainage and recommend a condition to approve the drainage strategy for the site.

Heslington Parish Council

3.14 Comment as follows –

- The scheme denies a conversion of 5/5a for a local family.
- Local Plan 2018 policy H7 seeks to direct majority of student accommodation to be on the campus.
- If approved there should be appropriate site management for dealing with noise, waste management and parking controls.
- Contribution requested towards litter picking in Heslington.

NHS / Vale of York CCG

3.15 No response.

Yorkshire Water

3.16 No objection.

York Conservation Areas Advisory Panel

3.17 No objection to the proposed change of use of the site. However, the existing building had been noted as a detractor within the Conservation Area; the Panel felt that the most appropriate solution would be to remove this building and provide something more appropriate to its use and location.

## **4.0 REPRESENTATIONS**

4.1 19 representations were made to the original scheme. Objections received were as follows -

- Extension to the Hive - Proposed extension to the Hive does not comply with the Village Design Statement, where it has been stated that gardens and open spaces behind and between houses should be retained to preserve the character of the Conservation Area.
- Car parking - insufficient car parking for residents.
- Noise – noise due to student residents.
- Preferences for an alternative scheme, including residential, for which it is considered in higher need. The amount of student accommodation proposed would unbalance the village.

- Objections consider the proposals are contrary to the Neighbourhood Plan. Officer note - the neighbourhood plan was withdrawn; it does not carry any weight in decision-making. The examiner in assessing the draft plan recommended policy HES 12 Purpose Built Student Accommodation be deleted.

## **5.0 APPRAISAL**

### **5.1 The key issues are –**

- Principle of proposed use
- Impact on heritage assets
- Design
- Ecology
- Highway network management
- Sustainable design and construction
- Open space
- Drainage
- Land contamination

### **Principle of the proposed use**

### **Loss of employment land**

5.2 Local Plan policy EC2: 'Loss of Employment Land' states "when considering proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that:

- i. the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and
- ii. the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period".

5.3 The accompanying explanation to the policy states: "When considering the loss of employment land and/or buildings the Council will expect the applicant to provide evidence proportionate to the size of the site of effective marketing the site/premises for employment uses for a reasonable period of time and in most cases not less than 18 months. Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use. This includes all employment generating uses, not just office or industrial uses". It goes on to state "It is particularly important that

Grade 1 offices in the city centre, York Central and other high access locations are protected where there remains a proven need”.

5.4 The final sentence advises that the policy applies to all employment generating uses. The proposed use will generate some employment (on-site staff associated with day-to-day management of the use and its grounds). However, the primary use is residential, and it is considered policy EC2 is engaged.

5.5 The marketing that has taken place illustrates the site and its existing buildings are not attractive to commercial developers. The property was marketed between October 2023 and May 2024 (7 months). All offers made were for residential development (market housing or student accommodation). Although there was interest registered, no offers were made for commercial use; feedback received from those who showed interest was the lack of offers were due to the location and floorplates of the buildings.

5.6 The frontage building (5/5a) is a domestic building and Grade II listed. The building at the rear is a purpose built multi storey office. Combined this provides 825 sqm office floorspace of varying type. Neither building has inclusive access internally (no lift access to first floor). It is difficult to envisage an alternative employment use of the site compared to the former office use, which has not generated any commercial interest following the marketing campaign.

5.7 It is not essential marketing is for 18 months to comply with policy EC2 and in this case it is considered the marketing was reasonable. Due to the size of the offices, their varying condition and type (a listed building of domestic typology and a dated purpose-built office), their location (outside of the city centre), the lack of interest following marketing, it is considered the premises do not need to be retained as offices to meet employment needs during the plan period and the requirements of policy EC2 have been satisfied.

### **Local Plan policy H7: off-campus purpose-built student accommodation (PBSA)**

5.8 Local Plan policy H7 states proposals for new off campus PBSA, other than the allocation at SH1, will be permitted where all of the following criteria are satisfied:

- i. it can be demonstrated that there is a need for student housing which cannot be met on campus and
- ii. it is in an appropriate location for education institutions and accessible by sustainable transport modes.
- iiia The rooms in the development are secured through a nomination agreement for occupation by students of one or more of the University of York and York St. John University.

- iii. The development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area. In respect of amenity the explanation text advises that in the interests of the proper management of the student accommodation and to protect the amenity of adjacent residents, where permission is granted it will be subject to a planning condition requiring that prior to the accommodation being occupied a management plan shall be agreed in writing with the Council.
- iv. The accommodation shall be occupied only by full-time students enrolled in courses of one academic year or more and conditions or obligations shall be imposed to secure compliance with this requirement and for the proper management of the properties.

5.9 The Council's most recent data shows that based on current student numbers, purpose build accommodation, including schemes with permission, schemes with a resolution to grant (subject to a s106 legal agreement and allocated sites) will provide approximately 1 bedspace for every 2 students. On this basis there remains a need for student accommodation. The site is in a suitable location due to its proximity to the university. The scheme is conversion only so the scheme would not have an adverse impact on residential amenity. As per the explanation to the policy, in respect of amenity from noise and operational matters, a management plan would be secured by condition to protect the amenity of adjacent residents. As such the proposals accord with points 1,2 and 3 of the policy.

5.10 In respect of points 2a and 4 of policy H7 paragraph 130 of the supporting Design & Access Heritage Statement states that the applicant can confirm a nomination agreement for occupation of the property by University students only on a full-time course for a minimum of one academic year is acceptable. The policy requirement can be dealt with through a planning condition and would entitle the relevant University to allocate students to the development.

5.11 The final element of the policy states "for new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City". However, in accordance with NPPF paragraph 65 (which states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped any affordable housing contribution due should be reduced by a proportionate amount) affordable housing is not required; the scheme is conversion only therefore vacant building credit applies.

### **Type of student accommodation**

5.12 When applying Local Plan policy H3 the Council's most recent data suggests a need for at least 50% of student accommodation to be within clusters to ensure affordability. Policy H3 states the Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local

evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.'

5.13 PBSA provision contributes to providing housing solutions for the student population but should also provide a mix of properties to support sustainable communities in line with policy H3. Studio flats and their higher costs result in a less affordable option and do not contribute to the mixed and inclusive communities as required by policy. Just over 50% of bedrooms in built PBSA provision has been in studio flats. Evidence shows studio flats are considerably more expensive (between £190-£255 per week for cluster accommodation compared to £175-£414 for studio rooms).

5.14 The scheme provides a mix of studio and cluster accommodation. 68% of the accommodation would be in cluster type accommodation. The scheme is compliant with the preferred approach to accommodation on affordability grounds and to maintain a reasonable mix of tenures.

5.15 There is no local evidence base or policy in respect of the number of accessible type rooms to be provided within PBSA. A minimum of 5% has typically been sought by officers as this is aligned with national recommendations in Building Regulations. The scheme includes 3 accessible rooms which is just over 7%.

### **Principle of use conclusions**

5.16 The proposed change of use is considered compliant with relevant Local Plan policies. Further to Local Plan policy the scheme involves the re-use of existing buildings. It is aligned with the NPPF in achieving the following principles (and the appropriate weight is given to these benefits in overall assessment of the scheme) –

- Section 5 – Delivering a sufficient supply of homes – paragraph 73 advises the LPA (Local Planning Authority) should support development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements for homes.
- Section 11 – Making effective use of land – paragraph 125 states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- Section 14 – Meeting the challenge of climate change ... - aligned with paragraph 161 in respect of reuse of existing resources including the conversion of existing buildings.

### Impact on heritage assets

5.17 In respect of conservation areas Local Plan policy D4 advises development proposals within or affecting the setting of a conservation area, will be supported where they:

- are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area
- would enhance or better reveal its significance or would help secure a sustainable future for a building; and
- safeguard important views guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views.

5.18 Local Plan policy D5 relates to listed buildings and states proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The approach if harm to significance is identified is consistent with the requirements in the NPPF; harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. In making an application, it should be accompanied by an appropriate, evidence based heritage statement, sufficient to understand the potential impact of the proposal on the significance of the building.

## **Significance**

5.19 No 5 Main Street is a typical early-mid 18th century village house with agricultural buildings attached to the rear. These buildings are listed at grade II. They are listed for their special historic significance to the village as a former agricultural community and for their fortuitous aesthetic significance as good examples of local vernacular architecture. To the rear of the site, The Hive is a substantial independent flat roofed mid-20<sup>th</sup> century building with a parking courtyard in front. The Hive would not be regarded as a curtilage listed building due to its date of construction, after July 1948, and its lack of historic and architectural association with the frontage building.

5.20 The Hive is considered uncharacteristic of the conservation area as it expresses its system-built construction in alternative vertical panels of windows and solid cladding under a flat roof. The Heslington Conservation Area appraisal (April 2009) identifies it as making a negative contribution to the character and appearance of the conservation area by virtue of its unsympathetic form and design.

## **Impact on significance**

### **- Listed building**

5.21 The revised scheme for 5/5a respects the floorplate and plan form of the building and follows the advice provided by the Council's Design and Conservation Officer. The external works would remove cement render over a section of the

brickwork (a later intervention), which is assumed to be contributing to a damp issue and provide for ventilation / ongoing maintenance. All works to the exterior are necessary for ventilation and are consistent with the energy efficiency, health and condition of the building. The works are minor, generally sympathetic and justified. Internally additional sub-division is only proposed at first floor level, in the rear room. The room is of lesser significance compared to others (being a first floor rear room) and it has already been sub-divided. The overall plan form would remain legible. The proposals enable re-use of the building without harm to its significance.

- **Conservation area**

5.22 The revised scheme reduces the size of the existing car park which is prominent in the street scene. This alteration is enabled due to the proposed use. Soft landscaping in this area will enhance the character and appearance of the conservation area. The scheme is also conversion only (only a small 6 sqm side extension to the Hive is proposed) and so there would be no material or undue loss of landscaped / garden area.

5.23 The Hive will be provided with replacement windows to improve the buildings energy efficiency. The windows are of sympathetic proportions and good quality materials. The cladding panels between windows and white painted eaves detail at the top of the building will be replaced, overall due to the external materials and their texture and colouring the building will be more discreet in its setting. The works will not harm the conservation area. The proposals are aligned with Local Plan policy D4 because –

- The scheme would preserve elements which contribute to the character or appearance of the Conservation Area.
- The scheme would secure a sustainable future for buildings on-site.
- There is no material impact on important views (guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views).

Archaeology

5.24 Officers have confirmed due to the small size of the extension proposed no archaeology conditions are necessary.

Design

5.25 Local Plan policy D1: Placemaking states development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that:

- fail to take account of York's special qualities,; and/or



- fail to make a positive design contribution to the city, and/or
- cause damage to the character and quality of an area will be refused.

5.26 In respect of such matters the policy provides advice on urban structure and grain, density and massing, streets and spaces, building heights and views and character and design standards.

5.27 NPPF paragraph 135 asks that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- Are visually attractive and sympathetic to local character.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 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.

5.28 The scheme is a conversion. The works include new soft landscaping to the frontage, upgraded windows to the Hive, investigation as to whether exposed brickwork can be reinstated to the side elevation of the listed building and bin / cycle storage in discreet locations. The works will have a minor beneficial impact on visual amenity and comply with the design and environmental objectives of the NPPF in re-using existing buildings and enhancing their environmental performance.

5.29 The revised plans do not include an extension at the rear of the Hive; the extension would have lead to the loss of what would be outside amenity space and tree loss. The scheme does not conflict with Local Plan policy D1 and in particular it adheres with the character and design standards in that it proposes sympathetic restoration to the listed building; provides inclusive access and accessible rooms; reduces the visual impact of car parking and it improves the energy efficiency and sustainability of existing buildings.

#### Safe & inclusive / Secure by design

5.30 The scheme includes an office for staff on-site and cycle storage will be covered and secure. The application is change of use of existing buildings only. The proposals do not raise any issues in terms of secure by design.

5.31 Three accessible rooms are provided (of the 25). This exceeds the expected minimum of 5%. Car parking spaces will be provided for disabled persons. The scheme has 3 spaces; 2 for disabled parking and 1 for staff/servicing/deliveries.

#### Health & wellbeing

5.32 Of the proposed accommodation 8 of the rooms are studio type rooms, the rest are in cluster type accommodation. The 3 accessible rooms are studio type. There is a communal room in the Hive. The layout and room sizes are influenced by the fact that the scheme involves the conversion of existing buildings. Each room is of sufficient size and has adequate natural daylight. The amount of outside amenity space accords with the recommended provision in Local Plan policy GI6 - New open space provision (see section on open space at 5.38).

### Ecology

5.33 Local Plan policy GI4 Trees and Hedgerows advises on the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context. The scheme has been revised to the extent that it is compliant with the policy as the scheme is consistent with the retention of trees on the site.

5.34 NPPF paragraph 187 states planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

5.35 The scheme has been revised and no longer proposes an extension to the building at the rear of the site (the Hive). The development is exempt from statutory 10% Biodiversity Net Gain.

5.36 The scheme is supported by a Preliminary Ecology Report (Pinfold Ecology and Design dated August 2024) which makes recommendations for biodiversity enhancement; the installation of bat and bird boxes. As such the scheme would accord with NPPF paragraph 187.

### Transport

5.37 Local Plan policy T1: Sustainable Access advises development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users including those with impaired mobility, such that it maximises the use of more sustainable modes of transport. This will be achieved by ensuring developments that can be reasonably expected to generate significant traffic movements are supported by frequent high quality public transport linking them to York's City Centre and other key destinations, as appropriate; requiring development proposals to demonstrate safe and appropriate access and links to local services; give priority to pedestrians and cyclists and create safe layouts.

5.38 There are no parking standards or recommendations in the Local Plan. Policy T8: Demand Management advises standards will be contained in forthcoming guidance. The standards would be within the context of policy T8 which is intended to reduce congestion, minimise private vehicle trips and car ownership and promote sustainable travel. It is well established, through consideration of other PBSA schemes, that they are essentially car free. Where necessary and practical, provision is made for servicing/deliveries and disabled car parking spaces are provided.

5.39 The proposals are compliant with policy T1 in that the site is within walking distance of a frequent bus service and the university. The use and proposals are consistent with policies T1 and T8 in being conducive to minimising congestion, promoting sustainable travel and accommodating persons with impaired mobility (the site has a safe and suitable pedestrian access and provides over-sized cycle parking and parking for a blue badge holder).

5.40 The cycle store would be located at the rear of the Hive building. The store was relocated to the rear in the interests of the character and appearance of the conservation area and to avoid conflict with trees. The dimensions of the store will be controlled by condition and will provide space for over-sized cycles. A travel plan can also be secured through condition, which would trigger installation of additional cycle spaces subject to demand. It will be covered and secure and provide 24 spaces, 4 of which being for over-sized cycles. The provision is sufficient for the scheme, taking into account recommendations in national guidance – Cycle Infrastructure Design LTN1/20 for cycle parking and accessible cycle parking.

5.41 Car parking – government statistics on blue badge holders suggests that less than 1% of occupants would be blue badge holders. Two disabled car parking spaces are proposed (5% of the total bedrooms); this is considered sufficient.

5.42 The site benefits from existing access; no changes are proposed to this extent. Servicing requirements would not be materially different compared to the previous site use. There are no issues in respect of access and servicing.

### Sustainable design and construction

5.43 Part C of Local Plan policy CC2 relates to conversions. It requires changes of use (non-residential applies to PBSA) achieve BREEAM Non-domestic refurbishment and fit-out excellent rating as a minimum. Proposals relating to heritage assets should demonstrate the maximum BREEAM score that can be achieved having balanced issues of significance and value to the historic environment with wider benefits to the economy and to the environment as appropriate. These requirements will be secured by conditions for the two buildings.

### Open space

5.44 Local Plan policy GI6 New open space provision states residential development proposals should contribute to the provision of open space for recreation and amenity in accordance with current local standards and using the Council's up to date open space assessment. It states off-site provision will be considered acceptable if the proposed development is of insufficient size in itself to make appropriate provision. The background text advises the relevant standards are the Open Space and Green Infrastructure (2014) and Update (2017).

5.45 The amount of amenity space on-site exceeds 1,013 sqm and therefore provides the amount of amenity space required when applying figures from the Open Space and Green Infrastructure Update (2017). According to the Council's evidence base, the ward has a surplus of outdoor sports provision.

#### Land contamination

5.46 The site has had no previous industrial type uses and there is no evidence the buildings and gardens would require any remediation. A standard condition can establish the procedure should unexpected contamination be identified.

## **6.0 CONCLUSION**

6.1 In principle the scheme is regarded policy compliant. There is deemed to be no conflict with policy EC2 in respect of the loss of employment land and the accommodation proposed accords with purpose-built student accommodation policy H7. Even if it were considered that the scheme had not fully met the marketing requirements in EC2, when applying all material considerations and applying NPPF advice on reusing previously developed land in sustainable locations for residential uses (as set out in paragraph 5.16), the benefits of the scheme would outweigh any identified adverse effects in this case. All technical matters can be resolved by condition.

6.2 The scheme (as revised) does not harm the significance of heritage assets. Importantly the scheme accords with the environmental objectives of the Local Plan and NPPF; the reuse and environmental improvement of existing buildings is aligned with the objective to minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

## **7.0 RECOMMENDATION: Approve**

- 1 TIME2 Development start within three years
- 2 Approved plans

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

Plans LTD299 -

01 - location plan

16J - Site plan and proposed elevations for 5/5a

14C - Floor plans for 5/5a

10D and 12F - Floor plans and elevation for the Hive

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

### 3 The hive external works

The external works to the hive, as shown on drawing 12F, shall be completed in full prior to first occupation of the building.

New hanging tiles shall be to reasonably match the existing in all respects.

Typical section details for new and replacement doors and windows, shown in context, shall be submitted to the Local Planning Authority prior to the commencement of such works. The development shall be carried out fully in accordance with the approved details thereafter.

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

### 4 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. The scheme shall include at least one tree in the proposed new planting bay (where the car park is currently) and seating within the grounds which is of inclusive design.

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

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area and so that new planting becomes established (the site is in the conservation area and note that any tree works would therefore require

consent).

## 5 BREEAM (listed building)

Prior to commencement of construction details shall be submitted of a scheme which shall illustrate the maximum BREEAM score that can be achieved for the building identified as 5 Main Street (the listed building) on the approved plans having balanced issues of significance and value to the historic environment with wider benefits to the economy and to the environment as appropriate. The development shall be fully carried out in accordance with the approved details.

Reason: In accordance with policy CC2; to ensure that all new developments achieve high standards of sustainable design and construction, by minimising greenhouse gas emissions, using resources efficiently, enhancing climate change resilience and promoting health and wellbeing.

## 6 BREEAM

The building identified as 'the Hive' on the approved plans shall achieve a BREEAM Non-Domestic refurbishment and Fit out 'excellent' rating as a minimum.

Prior to commencement of construction a pre-assessment statement shall be issued to demonstrate the scheme is able to achieve compliance. A post construction certification to evidence the required BREEAM rating has been achieved shall be issued to the local planning authority within 6 months of first occupation.

Reason: In accordance with policy CC2; to ensure that all new developments achieve high standards of sustainable design and construction, by minimising greenhouse gas emissions, using resources efficiently, enhancing climate change resilience and promoting health and wellbeing.

## 7 Noise

No development shall take place until a detailed scheme of noise insulation measures for protecting the approved bedrooms from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed in full prior to first occupation of the relevant building.

During the night-time (23:00-07:00 hours) bedrooms shall achieve internal noise levels of no greater than 30 dB LAeq (8 hour). LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night-time period and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF sections 12 and 15.

## 8 External lighting plan (bats)

Prior to the installation of any new external lighting, a 'Lighting Design Plan' shall be submitted to and approved in writing by the local planning authority. The plan shall detail –

- a) Specified lighting in-line with current guidance - Bat Conservation Trust (2023) Bats and Artificial Lighting at Night: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificiallighting/>
- b) Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrating where light spill will occur, both within and outside the site boundary.

The development shall be fully carried out in accordance with the approved Lighting Design Plan.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species in accordance with NPPF section 15.

## 9 Biodiversity Enhancements

Prior to first occupation of the development hereby permitted a biodiversity enhancement scheme shall be submitted to the local planning authority and the approved scheme shall be fully implemented. The scheme shall include, but not be limited to, the erection/installation of at least 3 bat boxes and at least 2 bird boxes on the buildings on site or adjacent trees on site. (Suitable examples of bat boxes are included in Appendix A of the Preliminary Ecology Report (Pinfold Ecology and Design August 2024)).

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with section 15 of the NPPF to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

## 10 Site management

The development shall not be occupied until a management and occupation plan for the site has been submitted to and approved in writing by the Local Planning

Authority. The development shall operate in accordance with the approved management and occupation plan at all times.

The plan shall detail the following -

- Single occupancy only for the bedrooms within cluster accommodation.
- Management and maintenance of servicing and waste collection facilities.
- Arrangements for managing waste collection (it is noted that a private waste collection service is required because the bin stores are of inadequate size based on Council standards).
- Provision of staff on-site.
- Management in the interests of avoiding noise disturbance (including use of external areas).
- Ongoing management and maintenance of landscaping and open space
- Strategy for dealing with any complaints from the public.
- Student tenancy agreements to include clauses relating to anti-social behaviour and prevention of car ownership for non-blue badge holders.
- Arrangements for minimising disturbance during arrival/departure at beginning and end of term time. This shall include details of the site operators responsibilities in terms of co-ordinating arrivals and departure times for residents and the associated policing operations on-site / preventing indiscriminate parking locally.

Reason: In the interests of amenity and highway safety and in accordance with policy H7.

## 11 Cycle and bin storage

The development shall not be occupied until the cycle and bin storage has been fully provided.

The cycle parking enclosure to the rear of the Hive shall be provided with lighting, be covered and secure and provided with sheffield type stands. It shall be at least 6 metres in width and the access aisle width and entrance shall be at least 1.8m wide. The sheffield stands shall be spaced at least 1m apart

The facilities shall be retained for such storage use at all times.

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

## 12 HWAY19 Car and cycle parking laid out

The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been



constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

### 13 Travel plan

No part of the development shall be occupied until a Travel Plan has been implemented. The Travel Plan shall be developed and implemented in line with local and national guidelines and in particular shall include measures to monitor cycle usage and include actions to install further cycle parking subject to demand. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the LPA for its written approval.

Reason: To promote the use of sustainable means of transport.

### 14 Restriction of use

The development hereby approved shall be used only as student housing accommodation. No person other than a student registered with, and engaged in, a course of full time further or higher education or a delegate registered with and attending a part time educational course within the City of York administrative boundary shall occupy any part of the development at any time.

The student accommodation hereby permitted shall be subject to a nominations agreement with a Higher Education Provider at all times.

Reason: In accordance with policy H7 and for the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant, such as the inclusion of affordable housing.

### 15 Communal uses

The communal amenity space for occupants shall be provided in accordance with the approved floor plans and site plan prior to first occupation and retained for communal uses at all times.

Reason: In the interests of good design and amenity.

## 16 Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

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

#### 1. Construction management

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works, and ancillary operations, including deliveries to and despatch 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.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) 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 manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

## 2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

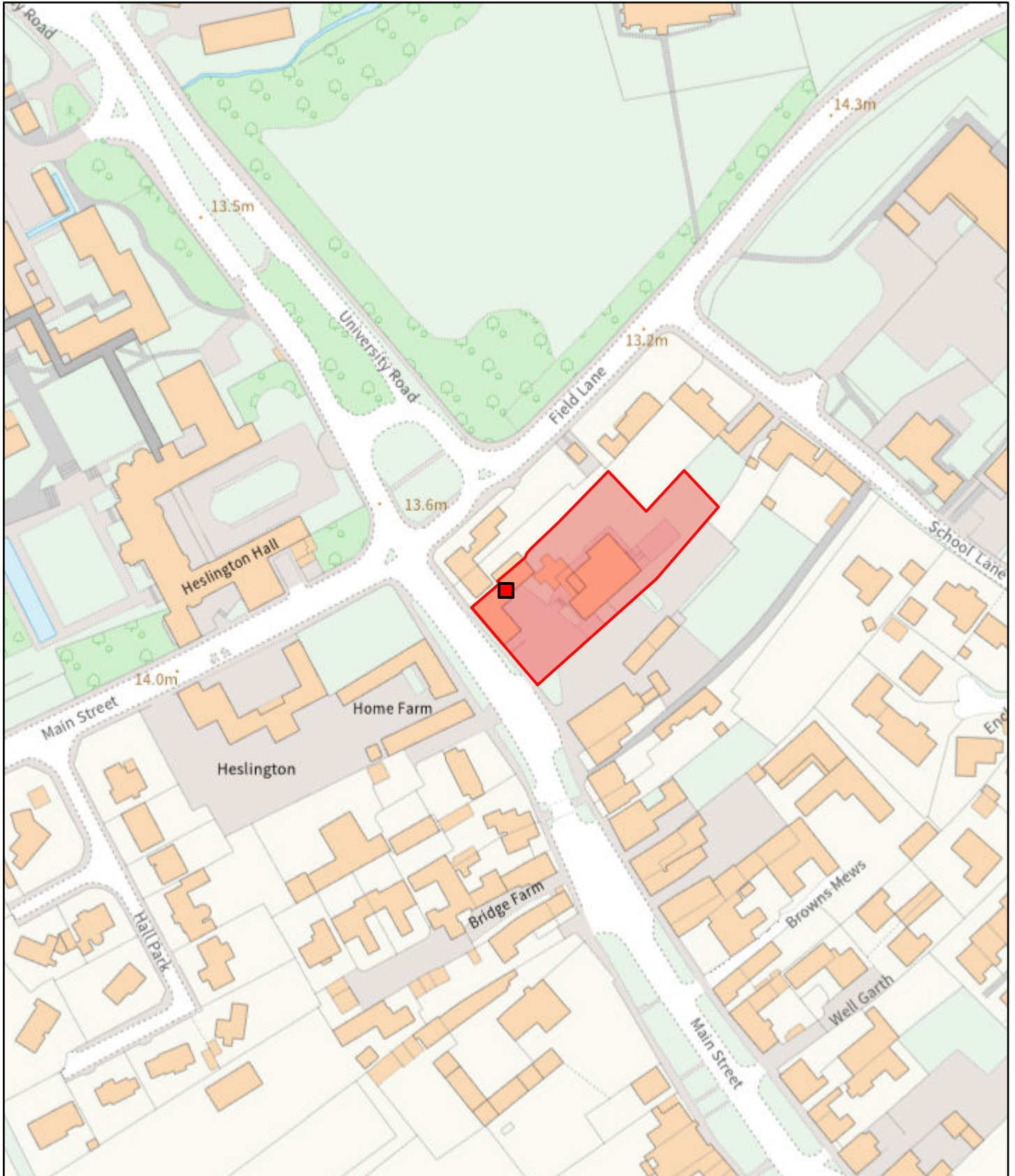
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans to address issues relating to heritage assets and cycle parking and through the use of planning conditions.

### **Contact details:**

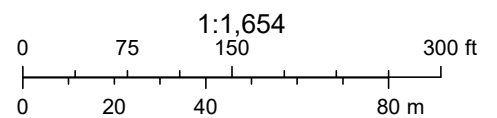
**Case Officer:** Jonathan Kenyon

**Tel No:** 01904 551323

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## Planning Committee B

24/01377/FULM and 24/01378/LBC

5 Main Street Heslington

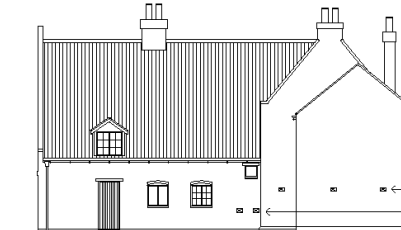
No.5  
Site Plan and Elevation



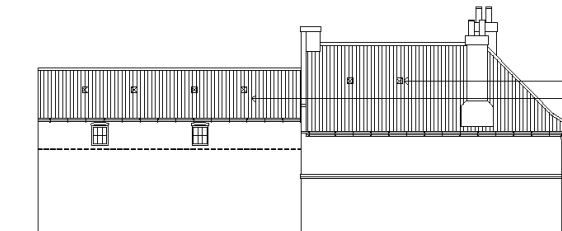
1. Proposed South East Elevation



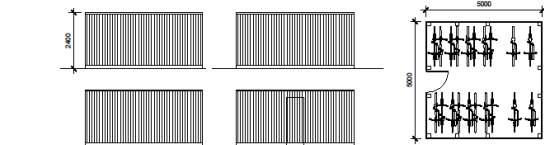
2. Proposed South West Elevation



3. Proposed North East Elevation



4. Proposed North West Elevation



5. Proposed Cycle Store Plans and Elevations 1:100

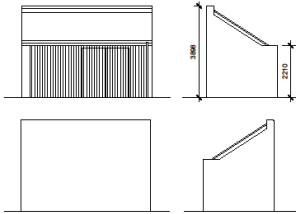
EXTERNAL WORKS TO LISTED BUILDING:

**EXISTING RENDER TO FRONT AND SIDE ELEVATION:** Existing cement render to be removed to expose brickwork under for inspection. If brickwork is too badly damaged to be repaired, affected area to be rendered using breathable lime based mix.

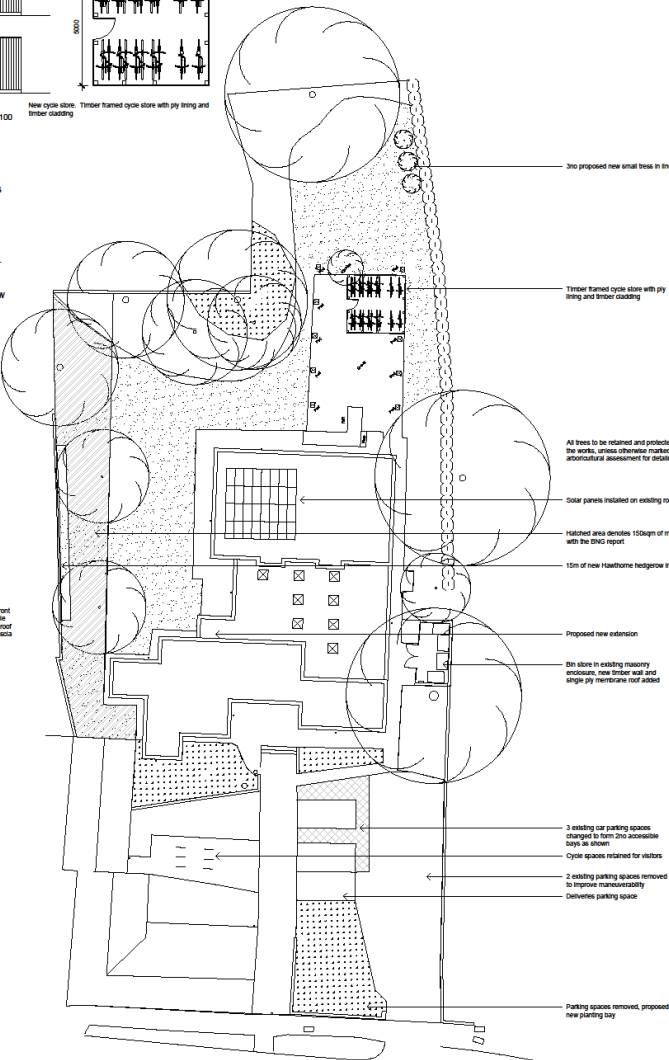
**DOORS:** All external doors to be retained and refurbished.

**WINDOWS:** All existing windows to be retained and refurbished as necessary. New conservation style roof light AOV to location shown on the elevations.

**VENTILATION:** New clay air bricks to locations shown on elevations. New low profile roof tile vents to the roof, to match roof tile colour. All vents kept to the rear elevations where possible.

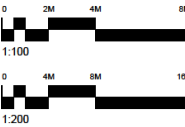


6. Proposed Bin Store Plans and Elevations 1:100



7. Proposed Site Plan

1. All boundaries, dimensions and levels are to be checked on site before construction and any discrepancies are to be reported to the Architect. 2. Do not scale from drawing. 3. Drawings not supplied in paper format by Willaust Architects may not be to the scale indicated in the title block. 4. This drawing is copyright and may not be reproduced or used for any purpose other than that intended without the prior written agreement of the Architect. 5. Any parts of the drawing based on reference survey maps are provided with the exception of the copyright of the Ordnance Survey Office. Crown Copyright Reserved.



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Project:  
The Hive / 5 / 5a Main Street, Heston

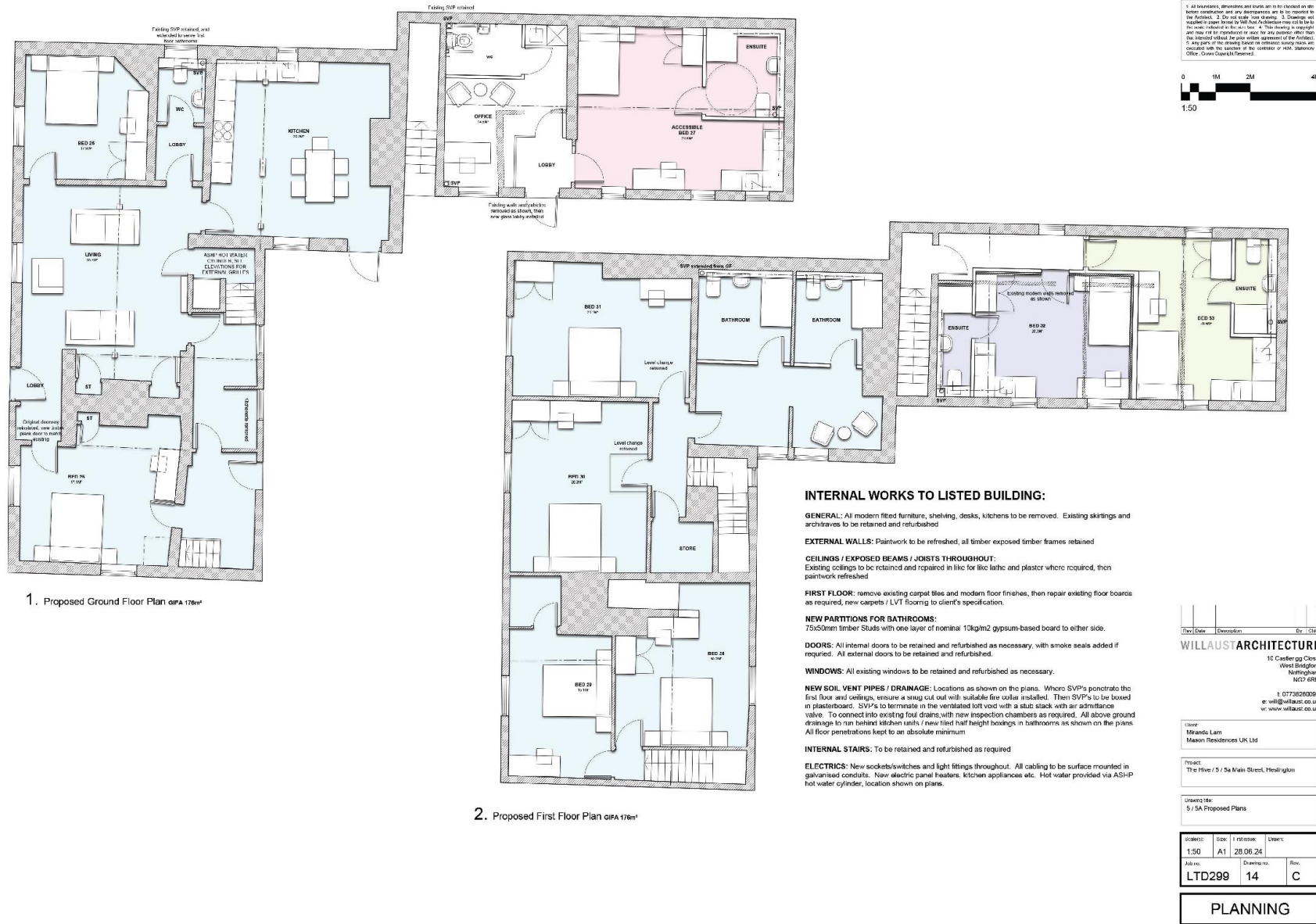
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5 / 5a Proposed Elevations / Site Plan

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Job no:	Drawing no:	Rev:	
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PLANNING

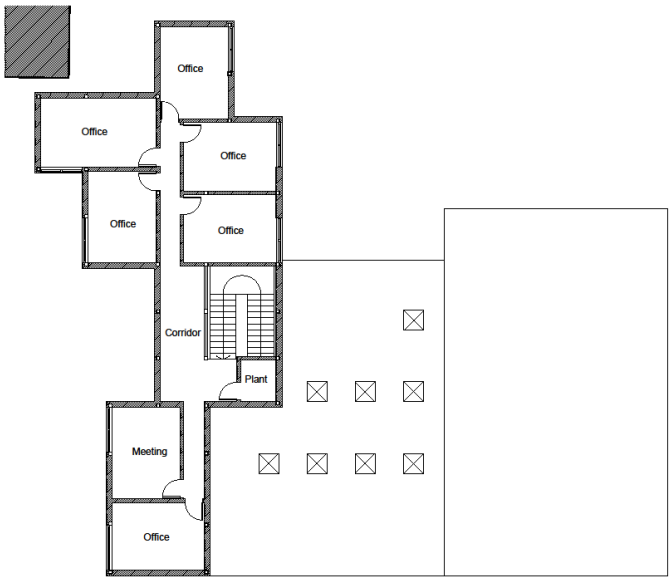


No.5  
Floor Plans

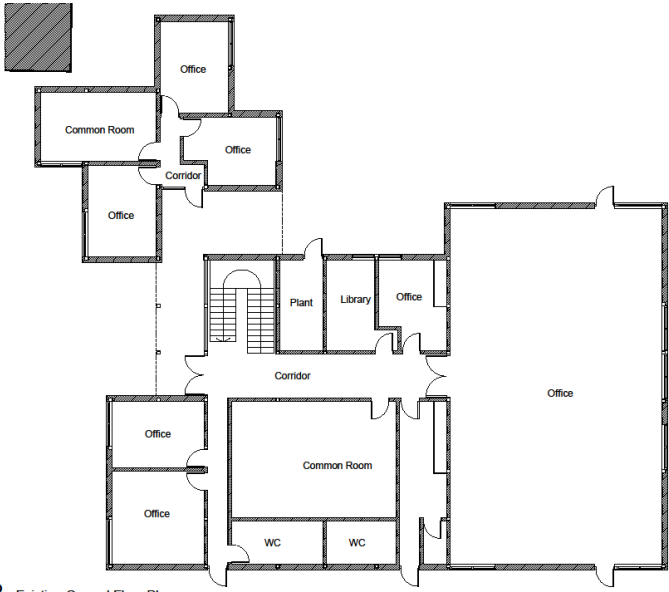


# The Hive

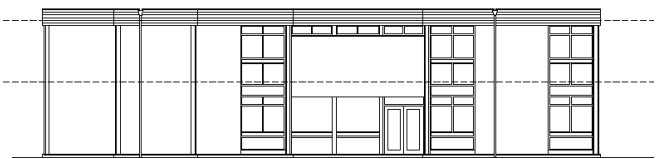
## Existing Plans and Elevations



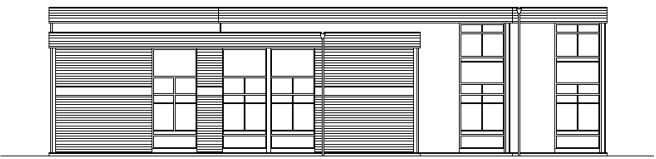
1. Existing First Floor Plan



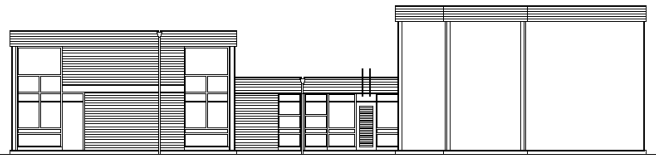
2. Existing Ground Floor Plan



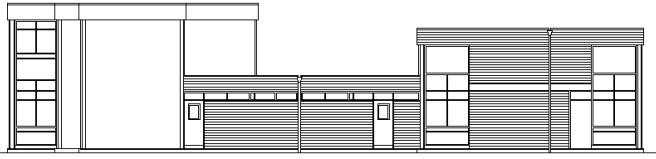
3. Existing South West Elevation



4. Existing North East Elevation

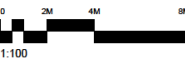


5. Existing North West Elevation



6. Existing South East Elevation

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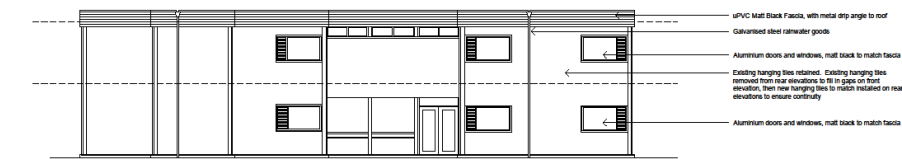
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Hive - Existing Plans and Elevations

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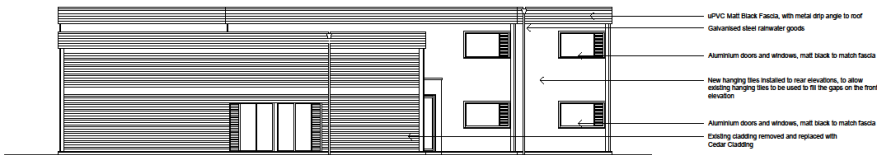
PLANNING

# The Hive

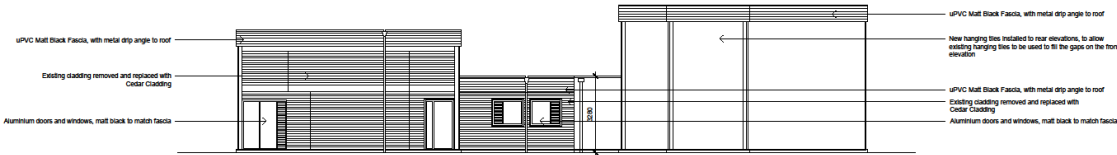
## Proposed elevations



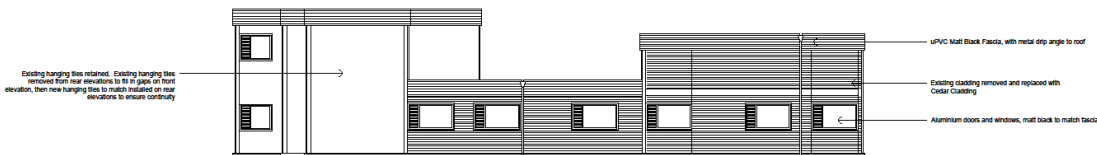
1. Proposed South West Elevation



2. Proposed North East Elevation



3. Proposed North West Elevation



4. Proposed South East Elevation

Rev	Date	Description	By	CHK
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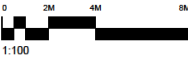
Project:  
The Hive / 5 / 5a Main Street, Heslington

Drawing title:  
Hive - Proposed Elevations

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PLANNING

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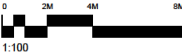
The Hive  
Floor Plans



1. Proposed Ground Floor Plan : GFA 488m²

2. Proposed First Floor Plan : GFA 223m²

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Drawing title:  
Hive - Proposed Plans

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PLANNING

**COMMITTEE REPORT**

**Date:** 24 March 2025      **Ward:** Fulford And Heslington  
**Team:** East Area      **Parish:** Heslington Parish Council  
**Reference:** 24/01378/LBC  
**Application at:** 5 Main Street Heslington York YO10 5EA  
**For:** Internal and external alterations to facilitate change of use of offices (use class E) to purpose-built student accommodation.  
**By:** Miranda Lam  
**Application Type:** Listed Building Consent  
**Target Date:** 25 November 2024  
**Recommendation:** Approve

**1.0 PROPOSAL**The site

1.1 The application relates to land formerly owned by the university and buildings used as offices. The sites was deemed surplus to requirements and marketed for sale in 2023. The site comprises of 5/5a fronting Main Street, a car parking area and a mid-20<sup>th</sup> century office building behind; referred to as the Hive. There is a garden area to the rear of the buildings.

1.2 The front building (no.5 / 5a) is grade II listed. It was used only for storage subsequent to being sold by the university. The building behind is a mid-20<sup>th</sup> century office building of two storey and with decorative tiled cladding to its facade; it is not regarded as a listed building. The site is within the Heslington Conservation Area.

The scheme

1.3 Applications for listed building consent and full planning permission (24/01377/FULM) have been made for the site. The scheme has been revised since the initial submission in response to comments regarding the listed buildings significance, its condition and its setting. The layout of 5/5a has been revised to respect the historic plan form and works to address damp and other issues included in the scheme. The overall scheme has been revised and as such -

- The amount of development has been reduced in that a proposed extension to the rear of the Hive building has been omitted.
- The car park would be reconfigured; it would provide 2 disabled parking bays and 1 further space. Immediately behind the boundary wall soft landscaping would be introduced.

## **2.0 POLICY CONTEXT**

2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.2 Policies relating to the approach to dealing with listed building consent applications is set out in Local Plan 2018 policy D5: Listed Buildings and section 16 of the NPPF: Conserving and enhancing the historic environment.

2.3 The Local Plan 2018 was adopted on 27 February 2025. Policy D5 relates to listed buildings and states proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The approach if harm to significance is identified is consistent with the requirements in the NPPF; harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. In making an application, it should be accompanied by an appropriate, evidence based heritage statement, sufficient to understand the potential impact of the proposal on the significance of the building.

2.4 NPPF paragraph 208 states “local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”. Paragraph 213 goes on to advise that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

## **3.0 CONSULTATIONS**

### Design & Conservation

3.1 Officers objected to the original scheme, which proposed 9 en-suite bathrooms in the listed building. Within the L-shaped building at the front of the site, the officer advised that ground floor rooms and the front rooms on the first floor were of highest significance. There was objection to the insertion of en-suite bathrooms into these rooms. The subdivision into small individual units would cause a high degree of harm to the significance of what is a largely unaltered farmhouse, it would destroy

the understanding of the original pattern of movement and circulation around the property, and the relationship spaces had to each other.

3.2 Revised plans were issued in response to comments from officers and the layout now addresses concerns raised on a room-by-room basis. En-suites are only to be inserted into the first floor room of lowest significance. Revised elevations also confirm an appropriate finish to wall and roof vents. Proposals to address damp due to cement render to the exterior and the lack of window cills has been addressed in the revised scheme. The initial objection no longer applies.

#### Historic England

3.3 No advice offered. Recommended officers seek views of internal consultees.

#### Heslington Parish Council

3.4 Comment as follows on original scheme –

- The scheme denies a conversion of 5/5a for a local family.
- Local Plan 2018 policy H7 seeks to direct majority of student accommodation to on the campus.
- If approved there should be appropriate site management for dealing with noise, waste management and parking controls.
- Contribution requested towards litter picking in Heslington.

#### York Conservation Areas Advisory Panel

3.5 York Conservation Areas Advisory Panel - No objection to the proposed change of use of the site. However, the existing building (the Hive at the rear of the site) had been noted as a detractor within the Conservation Area; the Panel felt that the most appropriate solution would be to remove this building and provide something more appropriate to its use and location.

### **4.0 REPRESENTATIONS**

4.1 Six representations in objection to the listed building consent application have been made.

#### Heslington Village Trust

4.2 Raised the following concerns -

- The amount of accommodation proposed will not meet demand.
- Preference for an alternative scheme for affordable housing.
- Reference to neighbourhood plan; however this has been withdrawn.

4.3 Other objections – these are detailed in the companion full planning application. They are concerned with matters not directly related to the proposed works to the listed building and the impact on significance. The objections refer to car parking and noise issues, preference for a different type of development at the site, and the withdrawn neighbourhood plan.

## **5.0 APPRAISAL**

### Key Issues

5.1 The key issue is the impact on the significance of the listed building and in considering potential impacts whether any harm to the significance of the Listed Building or its setting is identified. Harm will be permitted only where this is outweighed by the public benefits of the proposal.

### Significance

5.2 No 5 Main Street is a typical early-mid 18th century village house with agricultural buildings, from a later phase of development, attached to the rear. These buildings are listed at grade II. They are listed for their special historic significance to the village as a former agricultural community and for their fortuitous aesthetic significance as good examples of local vernacular architecture. The office building at the rear of the site is not regarded as a curtilage listed building due to its age.

5.3 There is a fairly high survival rate internally in 5/5a. The baffle entry arrangement of primary entrance with large central fire stack and much of the original plan form is retained, complete with historic timber framing. There are fireplaces and what appear to be some original (or at least historic) doors (plank doors with strap hinges, panelled doors at ground level, either side of inglenook fireplace, and also into proposed bedroom 25). Many of the windows contain historic glass.

5.4 Parts of the historic timber frame of the roof structure are visible within rooms. The listed property is 'L' shaped, with a two-storey attached addition at the rear (assumed to have been an agricultural building at some point). The rear roof slope of the main house forms a catslide that has been raised slightly at some point in the building's history.

### Impacts on significance

### **Plan form**

5.5 The frontage L-shaped building is of highest importance and the scheme has been revised to preserve the ground floor layout. At first floor only the back room



would receive additional partitions to accommodate bathrooms. These works to install bathrooms allow all other rooms to retain their original form. The extent of change does materially affect the original plan form. The first floor room where sub-division is proposed was described by the conservation officer of moderate significance. The room appears altered; the historic wall below the retained beam has been lost, but a modern partition has been inserted later, though leaving an uncharacteristically wide full height opening without a door. This room was described as one which offers potentially more scope for alteration and subdivision. The minor level of alteration to this room would still allow the plan form to be appreciated overall and is not regarded to be harmful to significance.

5.6 The rear wing is assumed to be a later addition, originally for agricultural use. It has been sub-divided at a later date to enable its re-use. The historic layout and means of circulation is preserved. New partitions cause no more harm compared partitions previously installed in this section of the building and do not harm significance.

### **Other works**

5.7 Additional works are required to facilitate re-use, to improve energy efficiency, and address fire and safety, repair needs, and existing damp issues. The revised scheme responds to comment from the Design and Conservation Officer in respect of the approach to repairs and addressing damp.

### **Doors and windows**

5.8 Smoke seals will be added to doors if required and secondary glazing, on fire safety and energy efficiency grounds. Such works are justified and regarded as generally acceptable by Historic England (in their advice note regarding energy and carbon efficiency) and would not be harmful in this case.

### **Soil and ventilation**

5.9 Minor works are required to provide waste pipes to new bathrooms, and for ventilation to the roof and walls. The works are justified; the number of new bathrooms would be minimal, and ventilation is in the interests of the building's good health. The siting and design of these components is sympathetic; to minimise visual impact. New bathrooms are in rooms of lesser significance. Pipework will be internal and boxed-in. External vents will be small in scale, located away from the primary elevation and coloured to blend in. The works would not harm the building's significance.

### **External works**

5.10 Works to address damp are proposed as recommended by the Design and Conservation officer -

- Render – it is assumed the existing (modern) cement render on the exterior is causing damp issues. The application acknowledges the issue and proposes removal. The brickwork will be exposed if it is in suitable condition, if not, a breathable lime-based render would be applied. The works would be consistent with the building's conservation.
- Window cills are proposed to avoid water ingress and have been recommended by the Design and Conservation Officer. A schedule of works and large-scale typical details are required to ensure the works are sympathetic.

### **Photographic recording**

5.11 A recording of the building will be required following good practice as advocated in NPPF paragraph 218; to advance understanding of the building and its significance. It will also be required that existing partitions and detailing are preserved when accommodating new partitions.

## **6.0 CONCLUSION**

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

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

## **7.0 RECOMMENDATION: Approve**

1      TIMEL2      Development start within 3 yrs (LBC/CAC)

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

## 2 Approved plans

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

Plans LTD299 -

01 - location plan

16J - Site plan and proposed elevations for 5/5a

14C - Floor plans for 5/5a

10D and 12F - Floor plans and elevation for the Hive

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

## 3 Large scale details

Prior to commencement of construction the following large-scale details (to include section drawings) and manufacturers details of the external materials shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

- a) New timber window cills.
- b) Rooflight (to be conservation type) to rear elevation.

Reason: In the interests of the significance of the listed building.

## 4 Building recording

Prior to works within 5/5a a room schedule of each room, highlighting the internal fabric of significance (supplemented with photos) and a strategy for their repair and retention shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the significance of the building and to enable the scheme to be compliant with the presumption in favour of sustainable development as set out in NPPF paragraph 11.

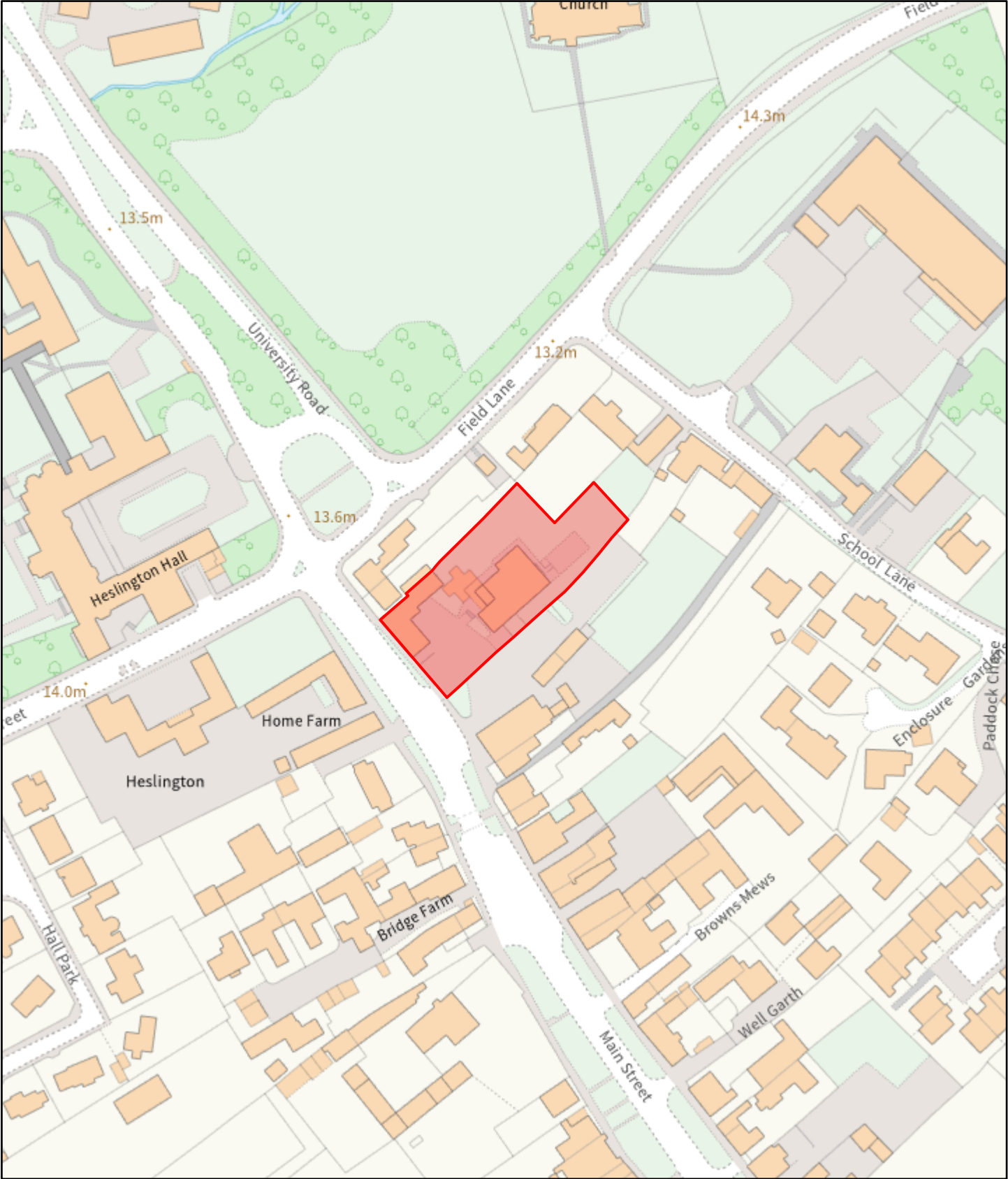
## 5 All new internal works shall be scribed around existing details.

Reason: In the interests of the significance of the listed building.

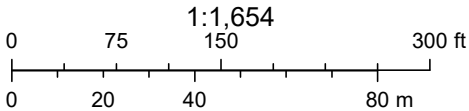
**Contact details:**

**Case Officer:** Jonathan Kenyon

**Tel No:** 01904 551323



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**COMMITTEE REPORT**

**Date:** 24 March 2025      **Ward:** Fulford And Heslington  
**Team:** East Area      **Parish:** Fulford Parish Council  
**Reference:** 24/01931/FUL  
**Application at:** St Oswalds Church Of England Primary School Heslington Lane  
York YO10 4LX  
**For:** Single storey side extension, new pedestrian access gates and  
paving, alterations to hard and soft landscaping, and siting of PV  
solar array to main roof  
**By:** Mr Jonathan Ramsey  
**Application Type:** Full Application  
**Target Date:** 26 March 2025  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application seeks permission for erection of a single storey side extension, new pedestrian access gates and paving, alterations to hard and soft landscaping, and siting of a PV solar array to the main roofscape at St Oswald's Church of England Primary School, Heslington Lane.

1.2 The extension would see the net formation of 2no. additional classrooms at the school, including a group room, office and externally accessed store, as positioned off the northeastern 'arc' of the existing building on a small area of grass and paving. The addition would replicate the existing form of the school, to comprise a dual pitch roof with matching eaves and ridge. The footprint of the addition measures approximately 220 metres. Materials indicated propose red clay facing bricks to match the existing masonry walling, painted render panels to match existing, and an aluminium standing seam roof. This portion of works would incorporate a new tarmac pedestrian path in replacement for that disturbed by the new building works.

1.3 A new pedestrian gated access is proposed from the southwest of the site, from School Lane. The access would mirror that of an existing route into School Lane Playing Fields, accessed from a raised crossing. The new access would be formed through an existing hedgerow.

1.4 Formation of the new outdoor learning space proposed to the west of the main school building, adjacent with School Lane, has subsequently been omitted from the scheme, to prevent impact on trees.

1.5 A solar PV array is also proposed to the southerly orientated roof plane of the principal teaching block of the school. The Design and Access Statement states that the surface-area of the panels would total approximately 488 metres<sup>2</sup> in total.

1.6 The application site sits on the periphery of Fulford Village Conservation Area, which spans School Lane to the west and Heslington Lane to the north, including a small margin of school land to its northwest. The works proposed within this application, however, are comprised elsewhere within the site; it is therefore not considered on this basis that the policies relevant to Conservation Areas apply.

1.7 Relevant Property History:

- Outline application for demolition of existing primary school and erection of new primary school, nursery and library services, approved 28.04.2003, reference 03/00369/GRG3.
- Reserved matters application for demolition of existing primary school and erection of new primary school, nursery, library services and car park - outline application 03/00369/GRG3 refers, approved 17.03.2005, reference 03/03916/REM.

1.8 The application has been submitted by Sewells Ltd, on behalf of works funded by and proposed to a City of York Council School, which is maintained by Sewell until 2036.

## **2.0 POLICY CONTEXT**

### City of York Local Plan

2.1 The Local Plan was adopted on 27 February 2025. Local Plan Policies relevant to the determination of this application are:

ED6	Preschool, Primary and Secondary Education
D11	Extensions and Alterations to Existing Buildings
D2	Landscape and Setting
GI2	Biodiversity and Access to Nature
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access

### National Planning Policy Framework (NPPF)

2.2 The National Planning Policy Framework, December 2024 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in



favour of sustainable development. The NPPF forms a material consideration in planning decisions.

### **3.0 CONSULTATIONS**

#### **INTERNAL:**

##### Flood Risk Engineer

3.1 No objections raised subsequent to the submission of additional information. The In-situ Percolation Testing Report confirmed infiltration will not work on this site. Additional information required can be secured by condition.

##### Public Protection

3.2 No comments to make.

##### Highways

3.3 No objections raised subject to conditions.

##### Ecology

3.4 No objections raised subject to conditions.

##### Landscape Architect

3.5 Commented in respect of the formation of the outdoor learning space, as a result of the significant risk of harm to Willow T6 and potentially Horse chestnut T7, due to the extent of encroachment of hardstanding into the recommended root protection area (RPA) of 30% (and 13% respectively).

#### **EXTERNAL:**

##### Yorkshire Water

3.6 No comments to make.

##### Fulford Parish Council

3.7 No objections in principle, however raised concern in relation to the proposed location of the new pedestrian entrance on School Lane with regard to safety issues for pedestrians in that this may encourage vehicles to access this narrow section of School Lane for drop-offs.

Ouse & Derwent Internal Drainage Board

3.8 Commented in objection, due to uncertainty of existing drainage system in operation.

PLANNING OFFICER NOTE - additional information was submitted to the Local Planning Authority subsequent to this comment in relation to in-situ percolation testing.

## **4.0 REPRESENTATIONS**

Neighbour Notification and Publicity

4.1 Representations were received from eight parties in total, five of support, three of objection and one general comment. The following concerns were raised:

- Existing traffic calming and crossing point does not appear to be sufficiently large enough to provide a safe refuge/raised pavement area for those entering or leaving the school at the proposed new entrance.
- The proposed entrance is at an even narrower part of the Lane than the existing entrance and School Lane has only one pavement at this point.
- Vehicular traffic arriving at the school should use the existing dropping off area in the school rather than along School Lane as there is no turning area available further down School Lane beyond the existing school car park entrance.
- The new entrance would potentially increase congestion on School Lane due to cars dropping off children closer to the proposed new entrance.
- The proposal enables school expansion by at least 60 pupils; Heslington Lane is the main route for Fulford School which is also significantly increasing. The cars and buses are often blocked by the congestion of cars at the entrance to School Lane.
- There are not enough car parking spaces for parents in the school car park; the congestion at these times and the pollution is terrible with the queuing traffic.

## **5.0 APPRAISAL**

**KEY ISSUES:**

- Principle of Development;
- Design and Appearance;
- Impact on Neighbouring Amenity;
- Ecology and Biodiversity;
- Highways and Access;
- Drainage and Flood Risk.

## ASSESSMENT:

### PRINCIPLE OF DEVELOPMENT

5.1 Policy ED6 (Preschool, Primary and Secondary Education) states that provision of sufficient modern education facilities for the delivery of preschool, primary and secondary school education to meet an identified need and address deficiencies in existing facilities will be facilitated. New or enhanced education facilities will be permitted if they are in accessible and sustainable locations for those communities they intend to serve and do not have a significant adverse impact on the amenities of neighbouring properties. Paragraph 100 of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

5.2 The site is established in its educational use. As existing, the school has two primary accesses, on Heslington Lane and School Lane (the latter forming the route for vehicular traffic). Correspondence with the applicant has set out that the works are aimed more at reconfiguration of the internal teaching spaces and would not result in any immediate increase in the number of students at the school, although they would accommodate for forecasted growth in the future. The plans demonstrate that the works would provide an enhanced user experience at the school and function well. The additional classrooms would allow other school functions to revert to their originally intended spaces and reduce the need for mixed-age classes.

5.3 Taking into account the above, the works, in improving the facilities of the school, are considered to amount to acceptable development in principle and would comply with the aspirations of paragraph 100 of the NPPF and policy ED6 of the Local Plan.

### DESIGN AND APPEARANCE

5.4 Policy D11 of the Local Plan supports proposals that respond positively to its immediate architectural context in terms of use of materials and detailing, scale, proportion, landscape design and the space between buildings.

5.5 NPPF Paragraph 135 states planning decisions should ensure that developments will function well and add to the overall quality of the area. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Proposals should be sympathetic to local character and history, including the surrounding built environment. Paragraph 139 states development that is not well designed should be refused.

5.6 Architecturally, the building comprises a relatively contemporary form. The extension would see replication of existing architectural detailing which would not

unduly dominate in appearance. The proposal is seen to make an efficient use of the space and appears well proportioned without undue massing. The extension would be contained within the site away from public view and from the street, which falls within the Conservation Area, and thus would not affect its setting or character. The addition is acceptable in design terms, and would comply with policy D11 of the Local Plan and paragraph 135 of the NPPF.

### IMPACT ON NEIGHBOURING AMENITY

5.7 Policies D11 and ENV2 of the Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures. Paragraph 135 of the NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

5.8 The school extension would be well-distanced from the nearest adjacent dwellings mitigate any undue loss of light or outlook beyond the existing conditions, particularly given the set in from the site boundary and openings (contained at ground floor level) not resulting in any new or additional overlooking. The extension would be located in closest proximity to the rear boundaries of Nos. 22-28 Heslington Lane. However, it would be generally well screened by virtue of an established boundary treatment at the foot of these rear amenity spaces. The works would be in compliance with Policies D11 and ENV2 of the Local Plan and paragraph 135 of the NPPF.

### ECOLOGY AND BIODIVERSITY

5.9 Policy GI2 relates to biodiversity and access to nature. Paragraph 193(d) of the NPPF seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. These enhancements are required in addition to the protected species licence requirements. Development should achieve net gain in biodiversity (BNG) in accordance with The Environment Act 2021 and national policy and contribute to the recovery of priority species and habitats and new habitat creation.

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

5.11 The applicant submitted a Biodiversity Net Gain Report (dated 15.10.2024) and small sites metric. These reports identified that a final biodiversity net gain of 13.96% would be achieved. This is in accordance with Schedule 7A of the Town and Country Planning Act 1990 which requires a statutory biodiversity net gain of a minimum of 10%. The Biodiversity Gain Hierarchy should be applied to avoid habitats of most value and where they cannot be avoided; they should be maintained on site. The application site does not contain habitats of special value that should be maintained. BNG is secured by an informative on any decision together with a condition to submit a Biodiversity Gain Plan prior to development commencing. The City Ecologist has reviewed the information submitted and does not raise any objections or dispute to the conclusions as established.

5.12 A further condition is imposed, in line with the provisions for enhancing biodiversity outlined in the Local Plan, to seek to enhance the biodiversity and wildlife interest of the area, to include the provision of bat and bird boxes within the site.

5.13 More widely, the loss of 2no. trees are proposed to facilitate the development. To compensate, replacements have been indicated as proposed within the Arboricultural Impact Assessment.

5.14 Conditions are imposed to ensure a scheme for the protection of retained trees is submitted, along with a detailed landscaping scheme to agree a scheme for replacement tree planting across the site. Revised plans demonstrate that no works would be carried out within the root protection areas of those trees to the west of the site. The scheme would comply with the requirements of The Environment Act 2021, paragraph 193 of the NPPF, and policy GI2 of the Local Plan.

## HIGHWAYS AND ACCESS

5.15 Policy T1 (Sustainable Access) of the Local Plan (2018) advises that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport, and they provide sufficient convenient, secure and covered cycle storage.

5.16 Paragraph 116 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 117 states that proposals give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians,

cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

5.17 In terms of vehicle parking, access would be taken from School Lane as existing. The greatest change would be the introduction of a new pedestrian access from the site's southernmost point, also off School Lane. This would involve some change to the net flows of people with regard to the overall use of School Lane, subject to the mode of transport parents and pupils arrive at the school, and whether they would approach the site from the north or south.

5.18 The new access is proposed to encourage parents and students to walk and cycle to the school, therefore decreasing the use of cars, in particular from those who approach the school from the south, who at present must travel to the principal vehicular entrance to enter the site. The southern entrance proposed would see a new access available to more immediately and conveniently serve users of the early years and reception area of the site. The northern access would remain in situ for access to the Junior school.

5.19 The current on-site car parking space is comprised of 51 parking bays - with five being disabled bays. 32 of these parking bays are taken up by the staff and the rest by parent/guardians dropping off/picking up pupils. There is an existing cycle shelter. The proposed classroom extension is to cater for the number of students already at the school. There is no planned intake upon the completion of the extension, therefore, there would be no expected increase in traffic visiting the school, as a direct effect of this proposal, at this moment in time.

5.20 The congestion experienced along School Lane, particularly at the start and end of the school day, is acknowledged. However, the potential increase in pedestrian flows from the northern approaching users to the early years area of the school (down School Lane) is considered to be somewhat offset by those users approaching the south which now don't need to travel up school lane to enter the site to return to the southern site area.

5.21 In terms of pedestrian safety, the new access would be positioned to a stretch of School Lane characterised typically by slow vehicular movements, with the entrance made from an enlarged portion of pavement which forms a traffic calming measure with adjacent speedhump. Taking into account the intended position of the access, it is not considered that it would result in undue safety concerns with respect to the intended users. This entrance would specifically serve the nursery and reception year groups, with other school years continuing to utilise the northern entrance as existing.

5.22 A condition securing a full travel plan is recommended to monitor and manage any effects or changes experienced to travel as necessary in the interests of the safety and good management of the public highway.

5.23 Taking into account the conditions imposed, it is considered that the development proposal would not result in an unacceptable impact on highway safety or severe cumulative impacts on the road networks following mitigation. The proposal encourages the use of more sustainable modes of transport. The application is therefore compliant with Policy T1 of the Local Plan and paragraph 116 and 117 of the NPPF.

## DRAINAGE AND FLOOD RISK

5.24 Policy ENV5 (Sustainable Drainage) states Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes. Existing land drainage systems should not suffer any detriment as a result of development. The development is in Environment Agency (EA) low-risk Flood Zone 1 and should not suffer from river flooding.

5.25 A percolation test confirmed that infiltration will not work on this site. A drainage scheme with suitable attenuation can be secured by planning condition.

## **6.0 CONCLUSION**

6.1 The proposed works will respect the general character of the site and area and the impact on the amenity of neighbouring residents and the highway network would be acceptable. It is considered it complies with the City of York Local Plan and national planning guidance, as contained in the National Planning Policy Framework.

## **7.0 RECOMMENDATION:** Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Proposed Plan Layout - Dwg. No: 242135-202 Rev P4, dated 06.03.2025.

Proposed Elevations - Dwg. No: 242135-203 Rev P2, dated 17.09.2024.

Proposed Cross Sections through Extension - Dwg. No: 242135-204 Rev P1, dated 19.09.2024.

Existing and Proposed Roof Plans - Dwg. No: 242135-205 Rev P2, dated

06.03.2025.

Proposed Block Plan - Dwg. No: 242135-207 Rev P2, dated 07.03.2025

Proposed Plan Layout - Dwg. No: 242135-209 Rev P4, dated 06.03.2025.

Existing and Proposed Levels - Dwg. No: 242135-211 Rev P2, dated 06.03.2025.

Access Route During Construction - Dwg No: 242135-MLJ-ZZ-00-DR-A-215 Rev P3, dated 30.01.2025

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

3 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.

Curtilage surface water discharges to the public sewer will be restricted to the level of run-off - i.e. same rate of discharge - to that from the existing use of the site. Any discharge of surface water from the site should discharge to similar points of connection to that of the existing use of the site. The applicant will need to demonstrate positive drainage, based on a 1 in 1 year storm, to the public sewer to us by means of investigation and calculation carried out at their expense.

To do this, we are required to see existing and proposed drainage layouts with pipe sizes, gradients, gullies, downpipes, and connection points, measured impermeable areas of the present and proposed use of the site, along with the calculations that show the existing and proposed discharge rate from the site to the public sewer.

Reason: In the interest of satisfactory and sustainable drainage.

4 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.

5 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.



6 No site clearance, preparatory work or development involving excavations shall take place until a scheme for the protection of the retained trees (the tree protection plan) and specialist construction details and working methods (the Arboricultural method statement) in accordance with the recommendations within the Arboricultural impact assessment and British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations, shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the amenity and setting of the development and the adjacent conservation area.

7 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species and stock size and position of replacement trees (and shrubs and other plants where applicable). The approved scheme for replacement tree planting shall be implemented within 6 months of completion of the development or within 2 years of the date of the removal of the existing trees approved for removal, whichever is the sooner. The replacement trees shall be planted, supported, watered, and maintained in accordance with good Arboricultural practice. Any trees that die, are removed, or become, in the opinion of the local planning authority, seriously damaged or defective or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: The replacement tree planting and its successful establishment is required to mitigate the removal of existing trees and perpetuate the amenity of the adjacent conservation area and development.

8 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include, but not be limited to the erection/installation of bat and bird boxes on the renovated and new buildings. The biodiversity enhancement plan/drawing shall be implemented in accordance with approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF (2024) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent

ecological networks that are more resilient to current and future pressures.

9 No part of the development shall be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority. The Travel Plan should be developed and implemented in line with local guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first-year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: In the interests of the safety and good management of the public highway.

10 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

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

Reason: To promote active travel, thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: Revised plans were submitted during the course of the application's consideration, in which the outdoor learning space was omitted from the application.

#### **2. INFORMATIVE: BIODIVERSITY NET GAIN (BNG)**

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

Development may not begin unless:

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

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

#### SUBMISSION REQUIREMENTS:

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

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

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

- name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- a description of the development and planning permission reference number (to which the plan relates);
- the relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- the completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;

- pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- a description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- if habitat degradation has taken place:
  - a statement to this effect,
  - the date immediately before the degradation activity,
  - the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
  - any available supporting evidence for the value.

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

[https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity\\_gain\\_plan.pdf](https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf)

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

### 3. DRAINAGE NOTES:

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.

The applicant should be advised that the Yorkshire Water's prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

The applicant should be advised that the York Consortium of Drainage Board's prior consent is required (outside and as well as planning permission) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

### 4. INFORMATIVE:

Application Reference Number: 24/01931/FUL

Item No: 5c

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

## 5. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

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

## 6. CONSTRUCTION MANAGEMENT:

### INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) 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.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

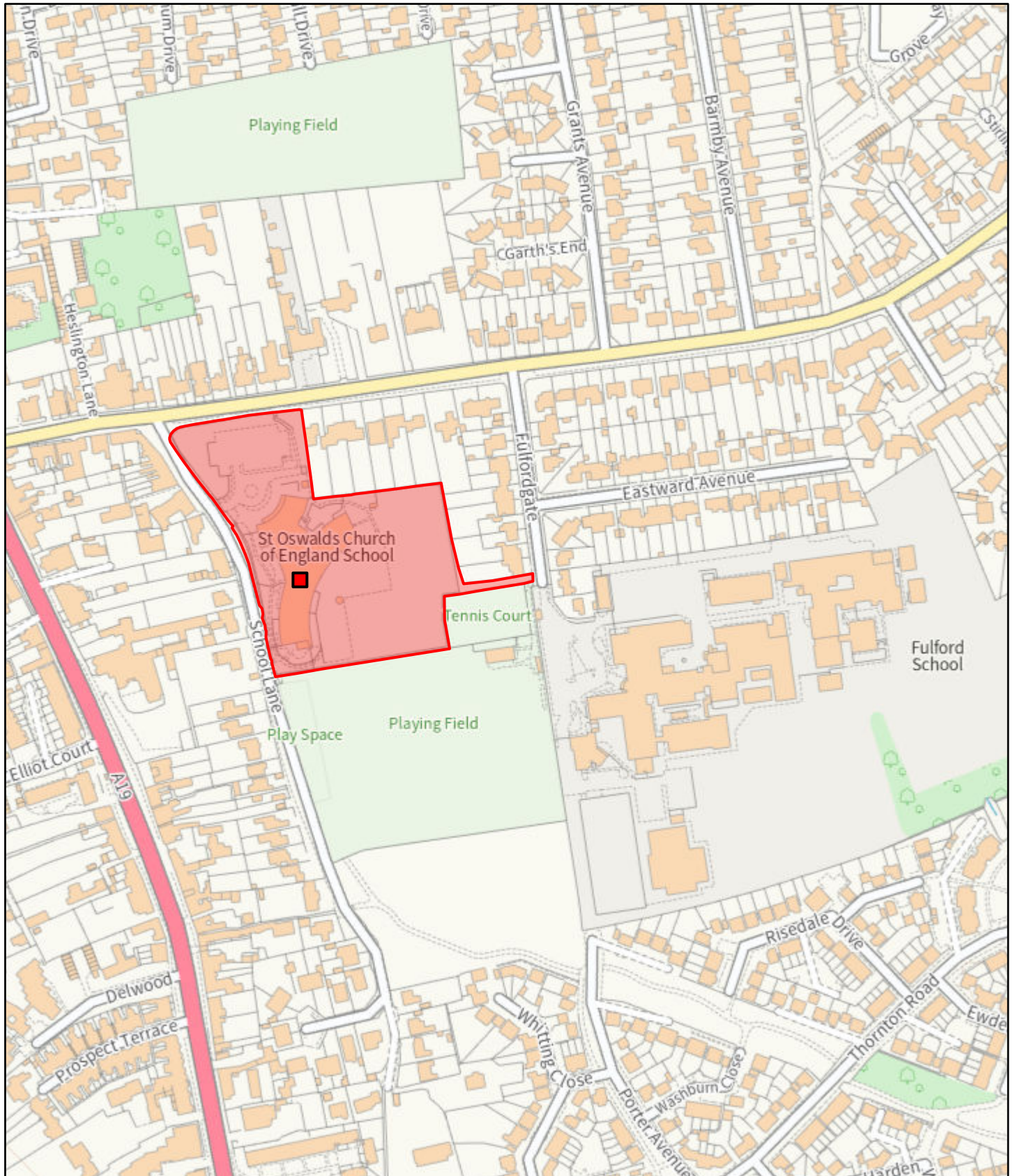
(f) There shall be no bonfires on the site

**Contact details:**

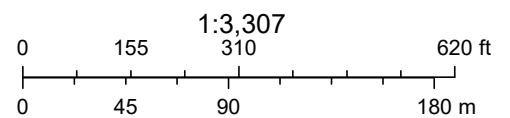
**Case Officer:** Owen Richards

**Tel No:** 01904 552275





3/13/2025, 11:57:00 AM



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## Planning Committee B


24/01931/FUL

St Oswalds CE Primary School Heslington Lane

Existing Site Plan



P1	Initial issue	02.10.24	mlj	MLJ
Rev	Description	Date	By	Check



**mlj**  
morgan lloyd jones

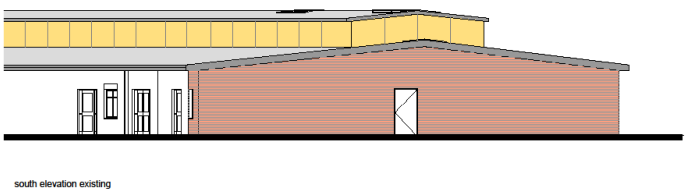
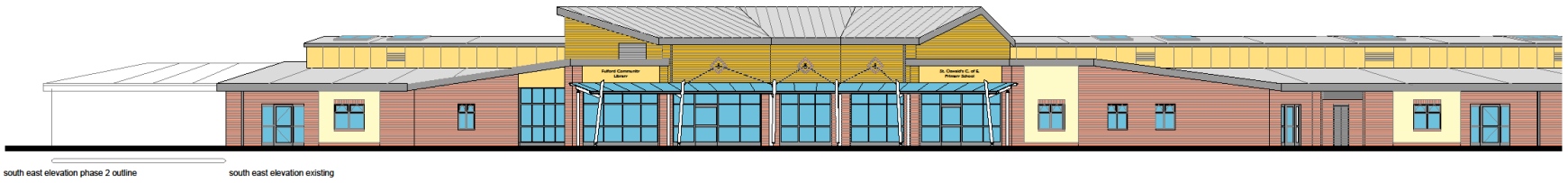
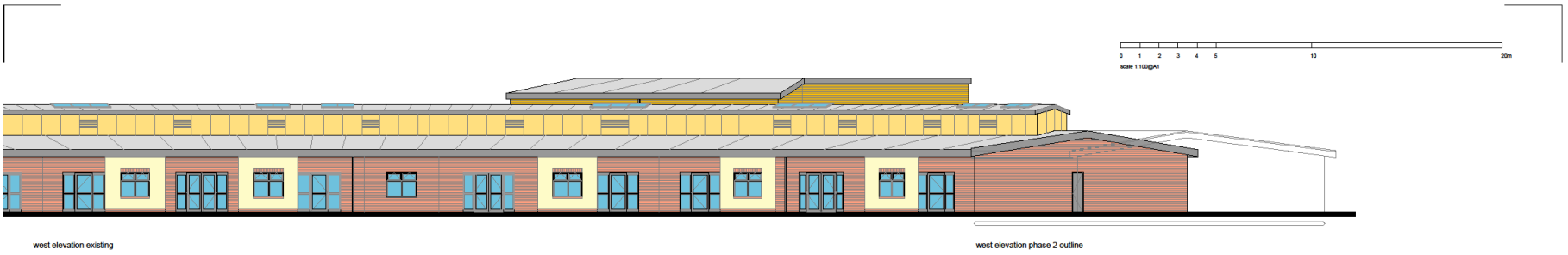
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CLIENT: Sewell Education (York) Ltd  
PROJECT: St Oswald's Primary School, York  
Extension and Internal Remodelling


TITLE: Existing Site Plan

SCALE: 1:200 @ A1 DRAWN: mlj CHECKED: NS DATE: 02.10.24  
CADD FILE: 242135-208-P1

Existing Elevations



P1 2024 Issue		27.09.24		mlj
Rev	Description	Date	By	Check



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CLIENT  
Sewell Education (York) Ltd

PROJECT  
St. Oswald's Primary School, York  
Extension and Internal Remodelling

TITLE  
Existing Elevations

SCALE 1:100GA1 DRAWN: WE CHECKED: JNS DATE: 28.09.24  
DWG FILE: 242135-210-P1

Proposed block plan



P2	Outdoor learning space omitted	27.03.25	mlj
P1	Initial issue	23.03.24	mlj
Rev	Description	Date	By / Check



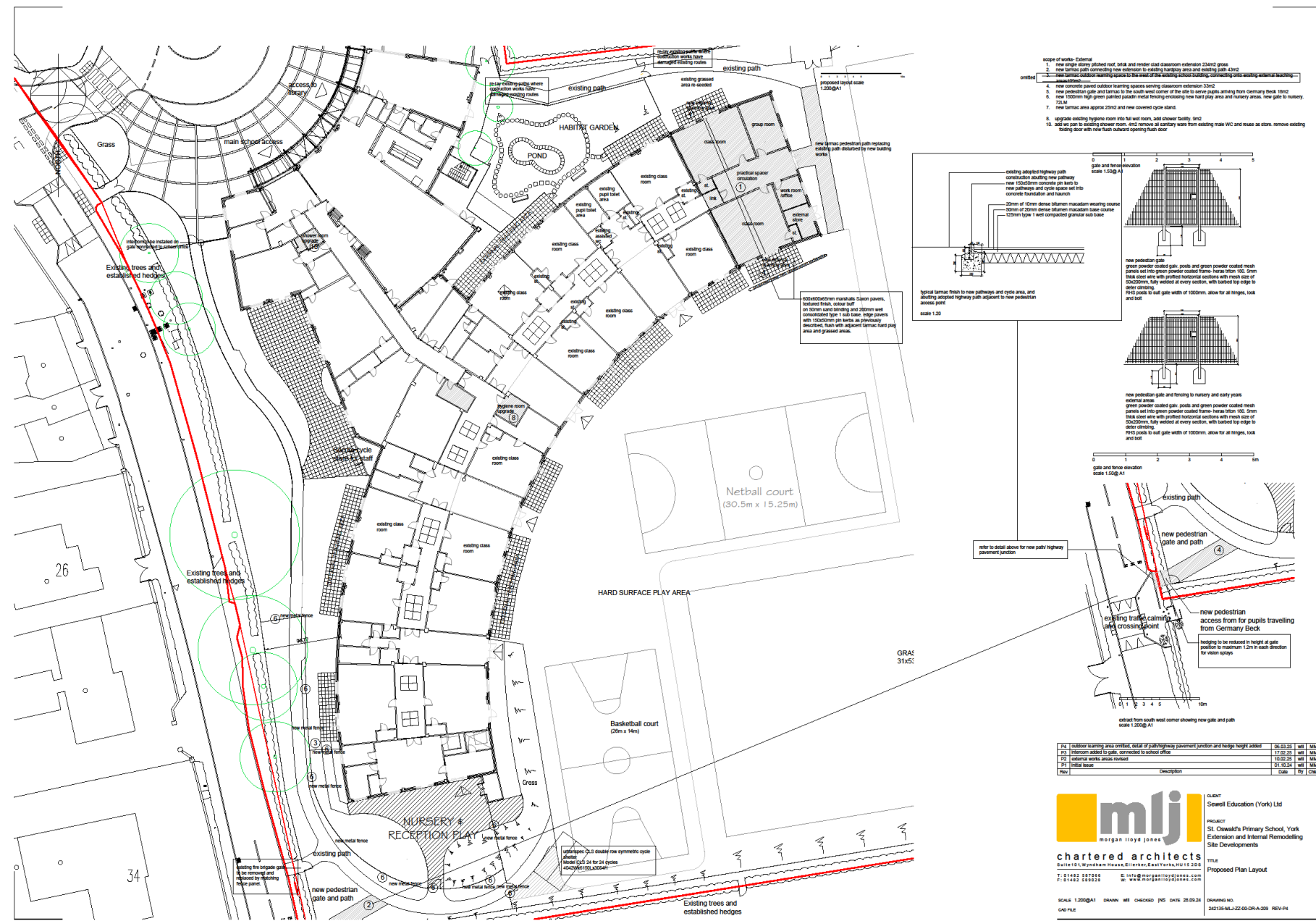
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CLIENT  
Sewell Education (York) Ltd  
PROJECT  
St Oswald's Primary School, York  
Extension and Internal Remodelling

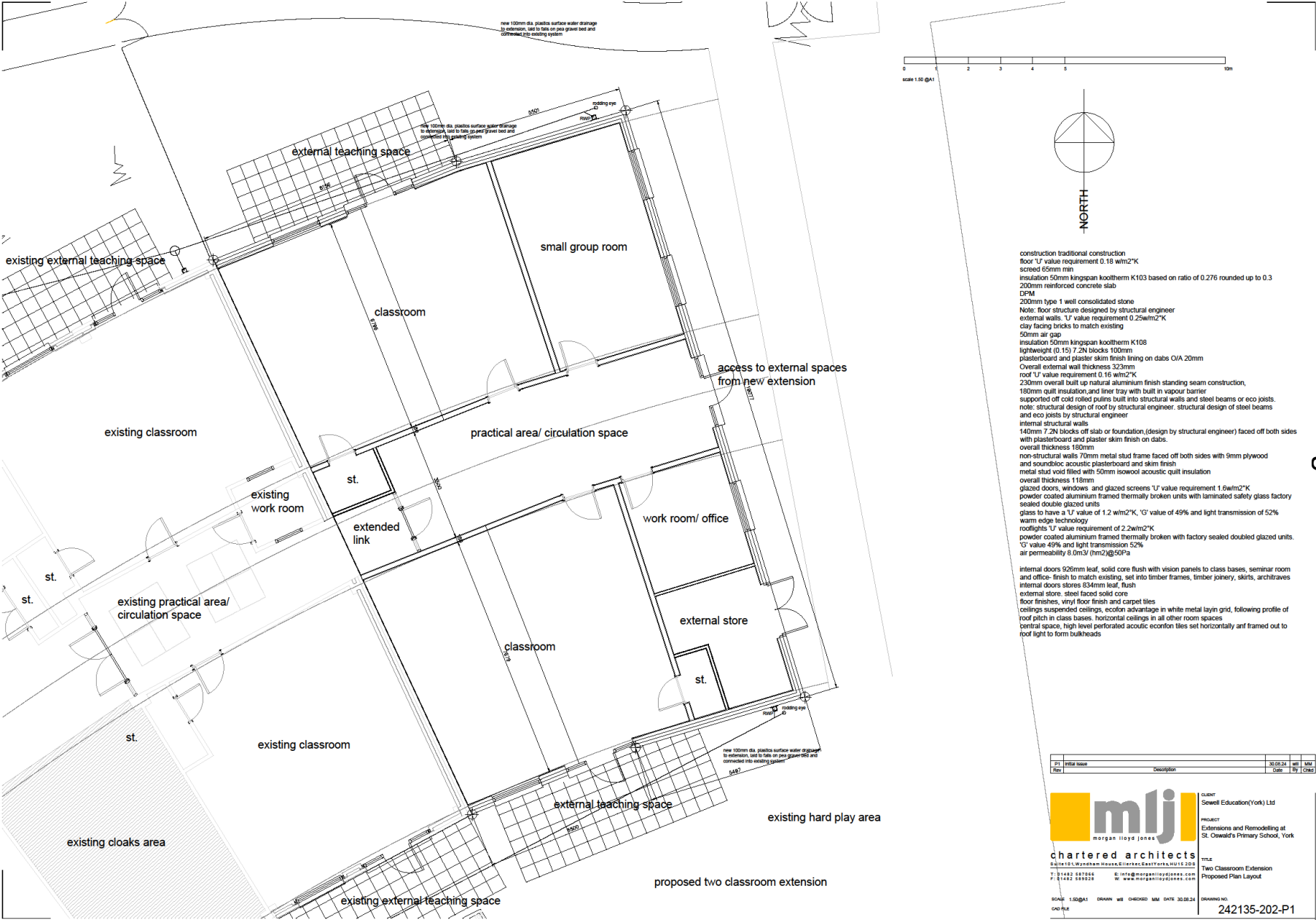
TITLE  
Block Plan

SCALE 1:500 @ A1 DRAWN BY CHECKED NS DATE 23.03.24 DRAWING NO.  
CML/LS 242135-207-P2

## Proposed plan layout



# Proposed floor plan of extension





Proposed elevation of extension



- materials
- roof
- aluminium standing seam roofing system with natural stucco embossed finish
  - gutters
  - concealed pressed aluminium gutters fixed off eaves construction
  - fascias and soffits
  - HPs200 or Pvf2 colour coated galv. steel
  - RWPs
  - welded square section outlets with leaf guards to discharge into 100mm square section powder coated rwps fixed via powder coated brackets back to masonry walls and into sealed gullies
  - rooflights
  - powder coated aluminium patent glazing system, thermally broken frames with
  - factory sealed double glazed units complete with solar filters. outer leaf 10mm
  - 24mm cavity, argon filled, 6mm inner leaf. toughened glass outer, laminated inner.
  - self cleaning finish to outer surfaces
- walls
- wall 1. red clay facing bricks to match the existing masonry walling
  - wall 2. painted render panels. colour to match existing brick on end coursing in render panels in contrasting buff brick
- windows and doors
- powder coated aluminium framed double glazed units
  - powder coated aluminium louvre panels located over window and external
  - class doors serving ceiling void mounted units.
  - louvre panel to group room set on north elevation.
  - external store door steel faced solid door

PK	Plot location added	16/03/24	WJ	MM
PC	Verification of plot added	23/03/24	WJ	MM
PA	Verification of plot added	26/03/24	WJ	MM
PD	Double doors replacing original unit	15/03/24	WJ	MM
PS	Further design added	17/03/24	WJ	MM
PI	Initial issue	02/03/24	WJ	MM
Date		16/03/24	WJ	MM

**mlj**  
morgan lloyd jones

CLIENT  
Sewell Education (York) Ltd

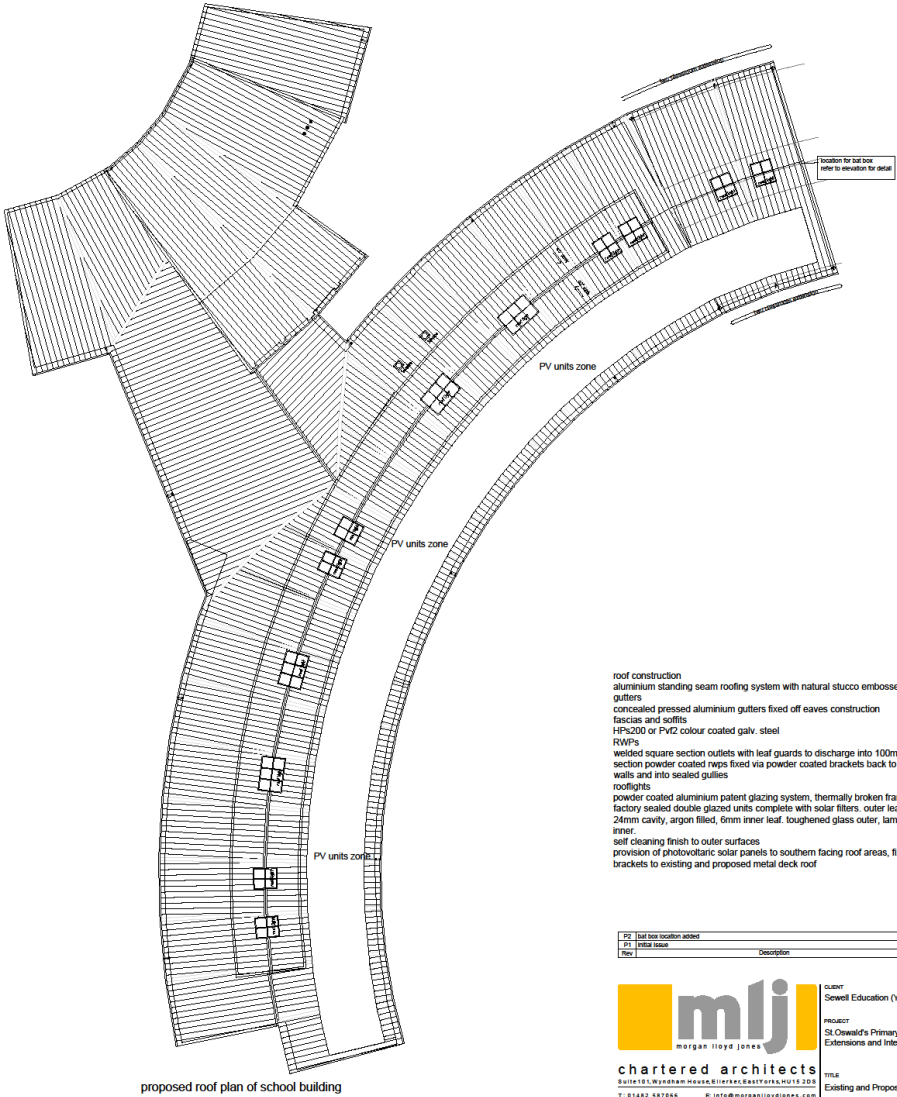
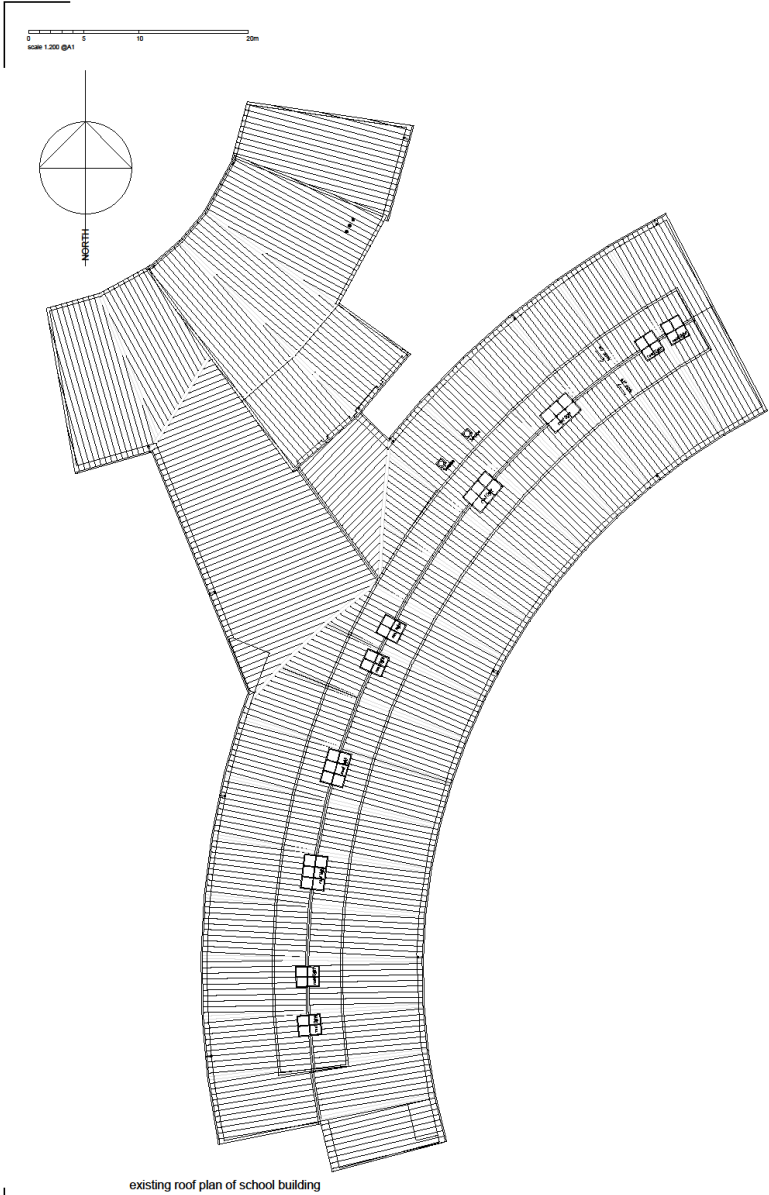
PROJECT  
Extensions and Remodelling at  
St Oswald's Primary School, York

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TITLE  
Proposed Elevations to Extension

SCALE 1:50 @ A1 DRAWN WJ CHECKED MM DATE 02.03.24 DRAWING NO. 242135-MLJ-22-00-ORA-203 REV 06  
CAD FILE

Existing and proposed roof plans



roof construction  
aluminium standing seam roofing system with natural stucco embossed finish  
gutters  
concealed pressed aluminium gutters fixed off eaves construction  
fascias and soffits  
HPH200 or PV2 colour coated galv. steel  
RWP's  
welded square section outlets with leaf guards to discharge into 100mm square  
section powder coated neps fixed via powder coated brackets back to masonry  
walls and into sealed gutters  
rooflights  
powder coated aluminium patent glazing system, thermally broken frames, with  
factory sealed double glazed units complete with solar filters, outer leaf 10mm  
24mm cavity, argon filled, 6mm inner leaf, toughened glass outer, laminated  
inner  
self cleaning finish to outer surfaces  
provision of photovoltaic solar panels to southern facing roof areas, fixed via  
brackets to existing and proposed metal deck roof

PS	Final line location added	19.03.24	MM	MM
PT	Initial Issue	19.03.24	MM	MM
Rev	Description	Date	By	Check



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CLIENT  
Dewell Education (York) Ltd

PROJECT  
St Oswald's Primary School, York  
Extensions and Internal Remodelling

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title  
Existing and Proposed Roof Plans

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**COMMITTEE REPORT**

**Date:** 24 March 2025      **Ward:** Osbaldwick And Derwent  
**Team:** East Area      **Parish:** Murton Parish Council  
**Reference:** 24/01851/FULM  
**Application at:** Site At Junction Of Osbaldwick Road And Hull Road Osbaldwick York  
**For:** Erection of 2no. battery storage facilities, with 1no. facility of 40no. battery storage units within the existing Osbaldwick substation area and 1no. facility of 4no. battery storage units on land to the east of the sub-station, with ancillary structures and infrastructure, associated vehicle accesses, including new access track, and enclosed by 3 metre high palisade security fencing, 3.5 metre high acoustic barrier, and with 5.1 metre high lighting and CCTV columns.  
**By:** Mr Strakosias  
**Application Type:** Major Full Application  
**Target Date:** 28 February 2025  
**Recommendation:** Approve

**1.0 PROPOSAL**The Site

1.1 The application site extends to an area of just over 1.75ha and is split into two distinct parts: a larger facility accommodating 50MW of equipment within the grounds of the existing Osbaldwick National Grid electricity substation; and a smaller facility accommodating 7MW of equipment located to the east of the substation, immediately adjacent to another battery energy storage facility (BESS) which is already in situ. The two facilities combined create a floorspace of 1176.01 square metres.

1.2 To the west and part of the southern flank, close to the perimeter of the substation, is a mature belt of trees; Osbaldwick Link Road is to the west and Hull Road is to the south. To the north is a small industrial estate. To the east the land is designated as Green Belt, with a portion of the proposed access track and the 7MW BESS within the Green Belt. The larger 50MW BESS site is not in the Green Belt.

1.3 Access to the site is currently taken via the entrance and on site road which serves the substation and which links to Murton Way north of the site. This access will be maintained and utilised as a secondary access to the main 50MW BESS site.

#### 1.4 The site is wholly within Flood Risk Zone 1

#### Proposed Development

1.5 Erection of 2no. battery storage facilities, with the larger 50MW facility of 40no. battery storage units within the existing Osbaldwick substation area and 1no. additional facility of 4no. battery storage units on land to the east of the substation. Both facilities will contain ancillary structures and infrastructure, and will utilise existing vehicle accesses. A new access track is proposed from the smaller 7MW facility running east to west to provide access from that compound into the substation. The facilities will each be enclosed by 3metre high palisade security fencing, a 3.5metre high acoustic barrier, and with 5.1metre high lighting and CCTV columns.

1.6 The proposed 50MW BESS compound will contain 40no. battery containers arranged in clusters of four, each approx. 2.9m in height. Additionally there will be 10no. Inverter containers, 5no. transformers, 1no. auxiliary transformer, 1no. 33kv customer switchroom, 1no. pumping container, 1no. water tank and 3no. lighting and CCTV cameras.

1.7 The proposed 7MW BESS compound will be rectangular in shape and will contain 4no. battery containers, 2no. inverters, 1no. transformer, 1no. 33kv customer switchroom, 1no. pumping container, 1no. water tank and 2no. lighting and CCTV cameras. This compound will also be surrounded by a combination of a 3meter high security fence and 3.5meter high acoustic barrier.

1.8 Both compounds will be surfaced with open-graded crushed rock with the track section within the compound having a sealed surface. Vehicular accesses for the developments will be provided via the existing entrance to the Osbaldwick substation on Murton Way, or via an existing access off Hull Road. This Hull Road access will be utilised during the construction, installation and operation of the proposed 7MW development. This access was approved as part of planning permission 18/02659/OUT and 20/01515/REM for the existing BESS site next to which the smaller facility will be located. A new section of grass-crete track is proposed which will run across west to the substation. This section of track will require the removal of 10no. category B trees and a 7m section of category C hedgerow.

#### Site History

1.9 The larger 50MW site is essentially a resubmission of a very similar BESS development which was approved within the substation site in March 2020 (19/01840/FULM). This permission was not implemented and has since expired.

1.10 As referenced in paragraph 1.8, also of relevance are planning permissions 18/02659/OUT 20/01515/REM on land immediately to the south of the proposed 7MW facility. These consents approved another BESS, which has been implemented.

## **2.0 POLICY CONTEXT**

2.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

### **2.2 THE DEVELOPMENT PLAN**

The City of York Local Plan (CYC local Plan) was adopted in February 2025 and carries full weight in the decision-making process. Policies relevant to the determination of this application include:

DP1 – York Sub Area  
DP2 – Sustainable Development  
DP3 – Sustainable Communities  
SS1 – Delivering Sustainable Growth for York  
SS2 – The Role of York's Green Belt  
D1 – Place Making  
D2 – Landscape and Setting  
D6 – Archaeology  
GI2 – Biodiversity and Access to Nature  
GI3 – Green Infrastructure Network  
GI4 – Trees and Hedgerows  
GB1 – Development in the Green Belt  
CC1 – Renewable and Low Carbon Energy Generation and Storage  
ENV2 – Managing Environmental Quality  
ENV5 – Sustainable Drainage

### **NATIONAL PLANNING POLICY FRAMEWORK**

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

Section 6: Building a Strong and Competitive Economy  
Section 8: Promoting Healthy and Safe Communities  
Section 11: Making Effective Use of Land  
Section 12: Achieving Well-Designed Places  
Section 13: Protecting the Green Belt

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Erosion

Section 15: Conserving and Enhancing the Natural Environment

### **3.0 CONSULTATIONS**

#### **INTERNAL**

#### **Public Protection**

3.1. Public Protection considered the application in terms of all environmental impacts: noise, air quality, contaminated land and dust.

#### Land contamination

3.2. Considered unlikely that there will be any risk to users of the site in terms of land contamination. However, a planning condition is recommended in case unexpected contamination is detected during the development works.

#### Construction Noise and Dust

3.3. An informative is proposed relating to timings of construction work and best practice.

#### Noise

3.4. The submitted ITP Energised noise assessment dated 8/10/24 demonstrates that the noise from the battery storage unit, inverters and transformers will not cause any adverse impact on the nearest residential properties, provided the acoustic fence is incorporated into the design. Therefore, provided this is part of the final design then there are no objections in terms of noise.

#### **Flood Risk Engineer**

3.5. Comments have been made following assessment of the Flood Risk and Drainage Assessment Report – Re:GON.0475.0252 Version 2 dated 4th October 2024 by Gondolin Land & Water. It is acknowledged that the flood risk and drainage principles were considered and agreed under 19/01840/FULM and conditions 3, 4 and 5 of that permission relate to drainage. There is no objection subject to conditions.

#### **Archaeology**

3.6. The site has archaeological potential relating to the late prehistoric – medieval period. This is limited to the bottom left corner of the site. The corner of the

proposed development site appears to have been little disturbed and may possibly contain the remnants of medieval ridge and furrow which is still visible on aerial photographs dating to the early C21. The impact of the proposed scheme would result in the removal of any upstanding medieval agricultural features and likely the removal of any earlier sub-surface features.

3.7. A walkover assessment by an archaeologist to confirm the presence/absence and quality of any surviving medieval ridge and furrow is required which may then require recording. An archaeological evaluation should take place, which can be conditioned. A condition has been put forward in the case of approval.

## **Landscape Architect**

### Trees

3.8 The proposed 50MW BESS layout is located outside of the recommended root protection area (RPA) of the existing woodland and individual trees adjacent to Osbaldwick Link Road and Hull Road. A suitable tree survey and tree protection plan has been submitted to illustrate this. There is some disruption to the end of G1 and part of the hedge H2 resulting from the extension to the access track to meet the 7MW BESS, but this would not cause harm to the integrity of the woodland.

### Visual Impact

3.9 The proposed development is considered to be compatible with the safe retention of the existing woodland and trees alongside Hull Road and Osbaldwick Link Road with the existing woodland providing sufficient screening of the proposed 55MW BESS, which would be viewed within the context of the existing transformer station. Additionally, the impact on views and the wider landscape character resulting from the proposed 5MW BESS would not be significantly harmful. It is recommended that some native planting is secured to the south and east of the compound to mitigate the visual harm and connect to landscape mitigation to the adjacent BESS development and to provide an appropriate setting for the development's location immediately adjacent to the open countryside.

3.10 This development is not considered to have a significant visual impact. Views of the site by vehicle are mostly at an oblique angle with greater scrutiny available from the footway and cycleway on the opposite side of Osbaldwick Link Road; and there is a pavement along Hull Road on the same side as the application site. There is some visibility of the existing transformer station through the winter tracery of the existing woodland alongside Hull Road and Osbaldwick Link Road, however given the depth of mature planting, the woodland is the most dominant element in the landscape. It is considered that although the proposal would bring development forward and closer to the rear of the woodland, it would be seen in the context of the existing equipment.

3.11 The proposed solid acoustic panel fence would partially screen the equipment behind it but would also present a more solid form behind the trees. Since written comments were submitted by the Landscape Architect, a sample photograph of the acoustic fence has been provided by the applicant. This shows a close boarded timber fence. The Landscape Architect verbally commented that this would be acceptable and should be left to weather naturally.

3.12 The security fencing drawing shows a 'twin wire panel' but the development description states 'palisade fencing.' Confirmation of material is required with wire/paladin preferable. Since the Landscape Architect submitted written comments, it has been identified that there will be areas of 'twin wire panel' security fencing, 'palisade fencing' and acoustic fencing with all three fence types serving different functions. The Landscape Architect verbally commented that these would be seen in the context of the two BESS and the Osbaldwick substation and considering this, the fences are acceptable.

## **Ecology Officer**

3.13 No objection subject to conditions (BNG, HMMP, CEMP and biodiversity enhancements). The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

## **EXTERNAL**

### **Foss 2008 Internal Drainage Board (York Consortium of Drainage Boards)**

3.14 The Board asked if a new road would be created for the Emergency Access in the section which is to the south of Bedale Avenue Drain. It was confirmed by the planning agent via email dated 20 January 2025 that the existing access does not require any alteration and the newly proposed stretch of the emergency access will be more than 10metres from the Bedale Avenue Drain. The Board advised that strictly on this basis, they are satisfied in this regard. The Board recommend that any approval granted to the proposed development should include conditions relating to drainage in accordance with agreed documents, and the requirement for a 9-metre land strip from Bedale Avenue Drain.

### **North Yorkshire Police – Designing out crime officer**

3.15 It is considered the security arrangement outlined in the application are appropriate for this proposal. The Designing out Crime Officer had the opportunity to

comment on amendments to the application and did not wish to make any further comments.

## **National Grid**

3.16 National Grid Electricity Transmission have no objection to the proposal and advise that the applicant must have valid connection agreement and follow the NGET safe working guidance at all times. Additionally, as the development is proposed on NGET owned land an agreement must be obtained or in place via the Use of NGET Land process.

3.17 It is considered the security arrangement outlined in the application are appropriate for this proposal.

## **North Yorkshire Fire and Rescue Service**

3.18 Advised that the National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESS Design Guidance([nfcc.org.uk](https://nfcc.org.uk)) should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.

## **Osballdwick Parish Council**

3.19 No comments received.

## **Murton Parish Council**

3.20 No comments received.

## **4.0 REPRESENTATIONS**

4.1. The application has been advertised via Site Notice, local press notice and neighbour notification letter. No third-party representations have been received.

## **5.0 APPRAISAL**

### Key Issues

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

- Principle of Development
- Green Belt
- Landscape and visual assessment
- Ecology and Biodiversity Net Gain

- Archaeology
- Highways
- Drainage
- Public Protection
- Neighbour Amenity
- Fire Safety
- Very Special Circumstances

## PRINCIPLE OF DEVELOPMENT

5.2. The requirement for the facility stems from the growth in renewable energy generation, predominantly solar and wind. However, due to the intermittent nature, and unpredictability of wind and solar power with peaks and troughs in production, the National Grid has become an increasingly challenging system to manage. Battery storage provides greater flexibility and enables rapid response and additional power supply when required to maintain National Grid at 50Hz.

5.3 With the need to reduce carbon emissions and tackle climate change, energy storage development to support renewable energy generation is supported in principle and given significant weight in the planning balance as per paragraph 168 of the NPPF.

5.4 Policy CC1 of the Local Plan is supportive of renewable energy developments. The policy requires that proposals for renewable and low carbon energy development, including ancillary development, will be permitted where impacts (direct, indirect, individual and cumulative) are demonstrated to be acceptable in terms of York's historic character and setting, residential amenity, new grid connection lines, nationally and internationally designated heritage sites or landscape areas, nature conservation sites and features, the road network and agricultural and other land-based industries. The wider impacts from the proposals will be assessed below, but in principle, the development is acceptable.

5.5 In assessing the proposal against the requirements of Policy CC1: the site is located in close proximity to the Osbaldwick Substation so any new grid connection lines will be seen in the context of the existing substation. There would be no impact on designated heritage assets or landscape areas and nature conservation sites. There will be a minor loss of agricultural land in the location of the 7MW facility. However, this area comprises such a small amount of agricultural land which already has limited capacity for use due to the constrained location between the existing BESS facility and the highway, that the matter carries minimal weight in the planning balance. The impact on York's historic character and setting, neighbour amenity and on the highway are discussed in more detail below.



5.6 The principle of the proposed development is considered to be acceptable within the context of Policy CC1 of the Local Plan and Paragraph 168 of the NPPF.

## GREEN BELT

5.7 The larger part of the site containing the 50MW BESS is not within the Green Belt. However, the smaller facility containing the 7MW BESS is within the Green Belt.

5.8 Policy SS2 of the Local Plan states that the primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New Building in the Green Belt is considered to be inappropriate unless it is one of the exceptions set out in Policy GB1 apply.

5.9 The proposed 7MW BESS facility is not considered to fall within any of the exceptions in Policy GB1 of the Local Plan. Part of the proposed development is therefore inappropriate development in the Green Belt by definition and, in accordance with Policy GB1, will 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 its inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.10 It has been considered whether the site could represent Grey Belt land. The NPPF defines Grey Belt Land as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. The site does not represent previously developed land. The site has been considered in Topic Paper 1 – Green Belt Addendum - Annex 3 which forms part of the adopted local plan evidence base. In the Annex the site is identified as being necessary to keep open to prevent unrestricted sprawl and to preserve the setting and special character of the historic city. Therefore the definition of Grey Belt land does not apply to this site.

5.11 Part of the access track between the two BESS facilities would be located within the Green Belt. The formation of the access track is classed as an engineering operation. The access track is not considered to harm openness because it will be flat to the ground, lightly used and is not considered to conflict with the purposes of including land in the Green Belt. Therefore the creation of the track is not considered to be inappropriate development in the Green Belt.

### Impact on openness

5.12 The location of the 7MW BESS site including its surrounding fence and lighting/CCTV columns is located immediately to the south of an existing large 50MW BESS site. This current proposal is aligned in such a way that it will read as a modest extension of this existing BESS. However, despite this context, the facility

will still have a harmful impact on openness from the introduction of structures and development in an area currently free from development, and within what is a generally flat and open landscape, with this smaller facility being particularly visible from Hull Road to the south.

## LANDSCAPE AND VISUAL ASSESSMENT

5.13 Neither proposal will have a significant visual impact on the wider landscape. The application site slopes down and away to the north from Hull Road. For the 50MW BESS facility, views of the site would be mostly at an oblique angle, but with limited views available from the footway and cycleway on the Osbaldwick Link Road, and to a slightly greater extent, from the pavement along Hull Road. However, there is a deep and mature tree belt running along the Osbaldwick Link Road and Hull Road at this point, with this woodland being the most dominant element in the landscape. Although this BESS would bring development forward and closer to the rear of the woodland, it would be very much viewed in the context of these trees, and surrounding electricity infrastructure, which is large and extensive. The solid acoustic panel fence around the compound would partially screen the equipment itself but would also present a more solid form behind the trees. However, given its position within the substation boundaries, and the extent and maturity of the tree belt at this point, there would be no material harm in landscape or visual terms from this larger facility. When the trees are in leaf, this facility will hardly be seen from outside of the site.

5.14 For the smaller 7MW facility this would, to an extent, present as an extension to the adjacent BESS approved under 18/02659/OUT, and subsequent reserved matters. However, there would still be a degree of visual harm from the proposed new facility due to the introduction of utilitarian structures in a currently undeveloped location. The 7MW compound would reduce the gap between the existing BESS and Hull Road, and would bring existing development associated with the energy industry closer to Hull Road. A hedgerow lines Hull Road which allows filtered views of the BESS, but there would be clear view of the site from the south around the area where the access point would be taken. However, this new facility will be seen within the context of the existing transformer station and recent BESS development, and will largely read as a modest extension to that existing compound. It will project southwards from that towards Hull Road, and so in that respect will be clearly visible as an enlargement of that facility. However, it will be no wider than existing and will not extend development west or east into open land, instead being read with the existing BESS as its backdrop. Therefore in wider landscape terms, the proposal is considered acceptable, given its relatively modest size in its own right. It is noted that the landscaping scheme for recently implemented BESS development is still to take effect. However the absence of this landscaping is not considered material for the determination of this application, and further landscaping provision can be provided here through condition.

5.15 Views of both BESS facilities from the north have been considered. The 50MW BESS will be read in the context of the Osbaldwick substation which has a proliferation of buildings, plant and associated paraphernalia. The 7MW BESS would read as a modest extension to an existing BESS facility with the impact on the landscape being very slight. The impact on views from the north is considered to be minimal.

5.16 The intervening access track would be a modest feature, level to the ground and intended to be either of grasscrete or a similar material. This would not be perceptible in wider views. Additionally, the lighting/CCTV columns and acoustic fence would be read in the context of surrounding equipment so would not appear alien in the landscape.

5.17 Vehicular access to the 7MW site will be provided via an existing access junction off the A1079 AND which will be utilised during the construction, installation and operation of the proposed development. However, a new track measuring approximately 115m is proposed to run from this smaller BESS site into the Osbaldwick substation. This will run across intervening fields, which are currently devoid of such development. This new access tracks will be formed of grasscrete or a similar product. This will minimise visual impact and will have a less permanent appearance and impact on the landscape. The new track running west to east from the substation to the 7MW site will introduce a more alien feature in the landscape, however views of this will be mostly at an oblique angle, and mature planting and woodland will remain the most dominant element in the landscape. This, combined with the proposed grasscrete type surface, which will be flat to the ground, should mean that this new track will blend into the wider landscape in an appropriate manner.

5.18 Additionally a new emergency access track is proposed from the 50MW to join existing internal access roads within the Osbaldwick substation. Given its context around existing substation infrastructure, and the presence of the mature tree belt referenced above, there would be no impact from this new track on the wider landscape.

5.19 The 50MW BESS is located outside the root protection area (RPA) of the existing woodland and individual trees adjacent to Osbaldwick Link Road and Hull Road. However, the 115m long access track will require the removal of approximately 10no. trees from a B-Category group and 7m section of C-Category hedgerow. However, this would not cause harm to the integrity of the wider woodland, or planting, and the wider visual impact would not be materially harmed.

## ECOLOGY AND BIODIVERSITY NET GAIN

5.20 The biodiversity net gain metric and accompanying report set out that the applicant will utilise off-site compensation achieve a minimum 10% Biodiversity Net Gain.

5.21 Conditions could be used to secure ecological enhancements. Also required is a Habitat Management and Monitoring Plan and a Construction Environmental Management Plan.

## ARCHAEOLOGY

5.22 The site has potential archaeological interest. The proposal would have a detrimental impact on any subsurface archaeological features which may remain on the site. A programme of post-determination archaeological evaluation should take place ahead of development. This can be conditioned. This will ensure that any archaeological features which are revealed can be recorded.

## HIGHWAYS

5.23 Once constructed neither facility will be permanently staffed and trip generation will be very low with between 10 and 20 vehicle trips per annum (less than 2 per month). Both facilities could be access via existing site entrances, although it is expected that the new track linking the smaller BESS to the substation would be largely utilised for both. However, the existing entrance to the Electricity substation on Murton Way could be used as necessary. However, with traffic generation likely to be so low, there are no highway safety implications from the proposal.

5.24 Mitigation to reduce the impact on the highway during the construction period could be addressed by condition. A Construction Environmental Management Statement could include details of wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway.

## DRAINAGE

5.25 The flood risk and drainage principles of the larger 50MW BESS were considered and agreed under 19/01840/FULM and similar conditions can be imposed here.

5.26 The Internal Drainage Board have asked if a new road would be created for the Emergency Access in the section which is to the south of Bedale Avenue Drain. It was confirmed by the agent that the existing access does not require any alteration and the newly proposed stretch of the emergency access within the substation will be more than 10 metres from the Bedale Avenue Drain. The Board advised that strictly on this basis, they are satisfied in this regard. The Board

recommend that any approval granted should include conditions relating to drainage in accordance with agreed documents, and the requirement for a 9-metre land strip from Bedale Avenue Drain.

## PUBLIC PROTECTION

5.27 The submitted ITP Energised noise assessment demonstrates that the noise from the battery storage unit, inverters and transformers will not cause any adverse impact on the nearest residential properties, provided the acoustic fence is incorporated into the design. Conditions are recommended regarding Contaminated land and construction.

## NEIGHBOUR AMENITY

5.28 The nearest properties to the 7MW BESS are 1-3 Springfield Cottages located approx. 80m to the east. Given the presence of the existing facility and the noise generated by Hull Road, the impact on the amenity of these dwellings in terms of noise and activities is considered to be acceptable given the context.

5.29 The nearest properties to the 50MW BESS are on Redbarn Drive and are approximately 100m away from the facility and are separated from the facility by mature vegetation and Osbaldwick Link Road. This is considered to be a suitable distance to avoid impacts on neighbour amenity due to noise or activity.

5.30 Regard is had to the recently approved development at Land Lying to the South of Hull Road, Heslington, York. This application, 15/00166/OUTM, was a hybrid planning application comprising full details of residential development of 153 dwellings (C3 Use Class) and associated infrastructure and outline planning permission for 9 self and custom build plots (with all matters reserved except access). The impact on the amenity of future residents of this development is considered to be minimal due to the degree of separation from this site and the two BESS facilities. The separation is reinforced by the presence of Hull Road.

## FIRE SAFETY

5.31 A Battery Safety Management Plan based on the National Fire Chiefs Council (NFCC)- Grid-Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services (2022) has been produced. This sets out the fire strategy for the site which is one of active prevention and intervention to automatically extinguish the fire within the container.

5.32 If an incident does occur, provision has been made for the containment of firewater runoff into a containment pond on-site until disposal by a specialist contractor. The site access follows NFCC guidance providing two separate access points to each BESS facility. Containers will be spaced to prevent the cascading

effect leading to thermal runways. Overall the site should comply with and exceed the recommendation of the National Fire Safety Council recommendations.

5.33 Also provided is a Fire Water Management Plan (FWMP). The FWMP is based on the management and full containment of the proposed firewater suppression system and potential hydrant usage for a total estimated water usage of 700,000l within the proposed attenuation basin which has a total capacity of 916m<sup>3</sup>. This exceeds the minimum requirement for water supply of 2 hours at 1900 l/minute (total volume of 228m<sup>3</sup>) noted in the NFCC Guidance. Overall it is considered that the proposed measures and principles to manage firewater runoff at the site are acceptable and that firewater can be appropriately managed at the site without posing a risk to the environment / human health.

5.34 The applicant and National Fire Safety Service are intending to maintain an open dialogue with North Yorkshire Fire & Rescue Service (NYFRS) throughout the development, construction and operational lifespan of the project.

## VERY SPECIAL CIRCUMSTANCES

5.35 The proposal has been identified as representing inappropriate development in the Green Belt, by definition. Further harm has been identified as a result of the impact on openness of the development; minor harm to the landscape and visual character to the area. As such the development can only be approved in very special circumstances. Very special circumstances will only exist if the harm to the Green Belt by reason of appropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Substantial weight should be given to any harm to the Green Belt, including harm to its openness.

5.36 Paragraph 160 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

5.37 The following very special circumstances are put forward by the applicant in support of the proposal:

### Locational Constraints

5.38 Stringent locational constraints apply to battery storage development. Energy storage projects of this type and scale need to be sited in locations where an available connection into the National Grid exists which can accommodate both the import (for charging) and export of electricity at the level which can be provided by the proposed storage facility. A location next to a substation is required to reduce the need for potentially visually intrusive connection infrastructure while maximising

the electrical efficiency of the storage facility and its interaction with the grid. The proposal is situated adjacent to Osbaldwick substation which meets these requirements.

### Energy Security, CO2 Reduction and wider environmental benefits

5.39 The proposal will help to provide security and resilience to the UK's electrical grid helping to facilitate the move to low carbon renewable energies. Although the facility would not produce any new energy, battery storage directly supports the development of new energy generating facilities which will increasingly be delivered from renewable energy sources. Development of battery storage would aid in the storage of energy generated from renewable sources which by their nature intermittently generate energy. Therefore the proposal can be regarded as low carbon energy associated infrastructure. A number of recent appeal decision are quoted in the Planning Statement to support this position.

5.40 Combined the two BESS proposed are expected to be able to store approx. 114MWh in a single charge. The developer has provided some context for this by explaining that one discharge of the battery is equivalent to:

- 342,000 miles travelled in an average electric vehicle
- the average daily energy usage of 15,400 homes
- Over 1 million kettles boiled

5.41 it is considered that the harm to the Green Belt by reason of inappropriateness and harm to its openness; and other stated harms is outweighed by the significant weight given to the accumulation of considerations outlined in paragraphs 5.38 to 5.40 above together with the need to support renewable energy infrastructure with the need to reduce carbon emissions and tackle climate change being given significant weight in the planning balance as per paragraph 168 of the NPPF.

## **6.0 CONCLUSION**

6.1. The battery storage facilities will provide electricity directly to National Grid to help balance the UK's energy supply through harnessing energy and releasing it as required to ensure the frequency of National Grid is maintained at 50Hz. Supporting sustainable renewable energy generation and associated infrastructure is a key principle in planning policy and significant weight has therefore been given to the principle of the development.

6.2. The smaller BESS facility is within the Green Belt. While it is concluded that the BESS is inappropriate development in the Green Belt by definition, very special circumstances are considered to apply as there is a demonstrable unmet need for the type of development which needs to be sited in a location where an available connection into the National Grid exists. The development will support renewable

energy infrastructure which will contribute to the need to reduce carbon emissions and tackle climate change. This is given significant weight in the planning balance as per paragraph 168 of the NPPF. The considerations set out paragraphs 5.38 to 5.40 clearly outweigh the harm to the Green Belt and other identified harms. Consequently, very special circumstances exist to justify the inappropriate development in the Green Belt.

6.3. The visual and landscape impact of the two BESS facilities together is not considered to result in minor harm. There is general compliance with policies D1 and D2 of the CYC Local Plan.

6.4. There are no significant impacts on public protection, ecological or archaeological grounds, subject to conditions. As such, the proposals are considered to be in accordance with relevant sections of the NPPF; particularly section 14 on climate change and section 15 on conserving and enhancing the natural environment. It is also found to be in accordance with policies DP2 Sustainable development and CC1 on renewable energy of the City of York Local Plan.

## **7.0 RECOMMENDATION:** Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

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

3 Planning permission is granted for a temporary period only and shall cease to have effect 30 years following the date of receipt of the Final Operational Notification (FON) from the District Network Operator (DNO) (or equivalent organisation). The FON shall be submitted to the local planning authority within 14 working days of the date of its receipt from the DNO.

Eighteen months before the end of the 30-year period taken from the FON date submitted, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including:

a. details of the retention of any approved boundary treatment(s) and planting, a



restoration scheme to be used at the end of the operational lifespan of the development.

b. a written scheme of restoration for returning the site to a pasture field on cessation of energy storage at the site.

The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 30-year period taken from the date submitted.

In the event the development ceases to export electricity to the grid for a continuous period of 12 months, a scheme of restoration for the removal of the Battery Energy Storage Facility and any associated equipment, shall be submitted to and approved in writing by the local planning authority within 3 months from the end of the 12-month period. The restoration scheme shall include details of the retention of any approved boundary treatment(s) and planting. The approved scheme of restoration shall then be fully implemented within 6 months of written approval being given.

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

4 The surface water drainage works shall be constructed in accordance with the Flood Risk and Drainage Assessment Report - Project/Proposal No: GON.0475.0252 - Version: 3 - Date: 17/01/2025.

Any changes to the scheme must be approved in writing by the Local Planning Authority, in consultation with Foss (2008) Internal Drainage Board, and then implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

REASON: To ensure the development is provided with satisfactory means of drainage.

5 A strip of land 9 metres wide adjacent to the top of the embankment of the watercourse known as Bedale Avenue Drain shall be kept clear of all new buildings, structures, walls, fencing, hardstanding and planting unless agreed otherwise in writing with Foss (2008) Internal Drainage Board.

Ground levels must also remain the same within this area.

Access arrangements should also be agreed with Foss (2008) Internal Drainage Board.

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

6 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

information shall include site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 1.5 (one point five) litres per second,
- ii) the means by which the surface water attenuation up to the 1 in 100-year event with a 30% climate change allowance shall be achieved,
- iii) the site access road and turning areas,
- iv) the bases/plinths for the battery storage units, and
- v) the discharge/outfall structure to the watercourse.

Thereafter, the development shall be undertaken in complete accordance with these approved details.

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

7 Prior to any development commencing on site, details of the discharge structure and pipe from the attenuation area to the drain to the west of the site running alongside Osbaldwick Link Road (Bedale Avenue Drain), and its exact route through the tree belt, shall be submitted to and approved in writing by the local planning authority. The route shall be informed and accompanied by an arboricultural assessment which shall identify a route for the outfall which results in the loss of the least number of trees and/or those of lesser value only. The assessment shall include an arboricultural method statement to ensure that minimal damage results to the retained trees, including appropriate tree protection measures, during the construction works. Where possible, the assessment and report shall include proposals for replanting. The development shall be undertaken in complete accordance with these approved details.

Reason: The mature tree belt is of local landscape value as a significant belt of woodland on Hull Road and Osbaldwick Link Road and for its value as a screen for the proposed development. Any unnecessary loss of trees in this location would result in a significant degree of harm to visual amenity and would open up views into a major electrical infrastructure site.

8 Unless otherwise first 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 its disposal.

9 A programme of post-determination archaeological evaluation is required on this site.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be

completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or development shall take place in the green space on the corner of Hull Road and Osbaldwick Road until a written scheme of investigation (WSI) for evaluation which includes the results on a walkover assessment of ridge and furrow has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards and guidance set by LPA and the Chartered Institute for Archaeologists.

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

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

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

E) No development shall take place until:

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

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or preserved in-situ.

10 Prior to development commencing, an ecological design strategy (EDS) addressing neutral grassland habitat creation to mitigate for the areas lost to development shall be prepared and submitted to the local planning authority for approval in writing. Thereafter, the EDS shall be implemented in accordance with the approved details within three months of the development coming into first use and all features shall be retained as set out in the strategy for the lifetime of the

development. The strategy shall include details of how the site will be returned to neutral grassland habitat should the development cease being in use for a period of three months or more. This being the case, all structures shall be removed from the site and the revegetation of the site implemented to the satisfaction of the local planning authority.

Reason: To mitigate for the loss of and damage/disturbance to a habitat of Local value in line with Policy GI2 Biodiversity of the CYC Local Plan and Paragraph 175 of the NPPF (2019) and to ensure if the uses ceases, the owner is required to return it to its natural state.

11 No development shall take place, until a Construction Environmental Management Statement (CEMS) has been submitted to and approved in writing by the local planning authority. The CEMS shall include details of:

- a. construction working hours,
- b. a scheme for recycling/disposing of waste resulting from construction works,
- c. temporary portacabins and welfare facilities for site operatives,
- d. site security arrangements,
- e. wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway,
- f. measures to prevent flying debris,
- g. dust mitigation measures,
- h. noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures.

The approved CEMS shall be adhered to throughout the construction period.

Reason: In the interests of public amenity.

12 No development shall take place until a Soil Management Plan, which demonstrates how soils will be protected and where necessary, stored and managed on the site during construction, and during the life of the development has 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: In the interests of visual amenity

13 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 the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

14 Prior to commencement of the development hereby permitted a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be compiled by a suitably qualified ecologist and should detail how wildlife enhancements and habitats are to be created, enhanced, managed and maintained. The content of the HMMP shall cover all proposed onsite and offsite landscape and habitats and include the following:

- Ecological trends and constraints on site that might influence management.
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- Appropriate management options for achieving aims and objectives.
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- Schedule for reporting findings to the LPA.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The results of the monitoring must be submitted to the Local Planning Authority for written approval in years 1, 2, 3, 5, 10, 15, 20 and 30; biodiversity reconciliation calculations should be provided at each stage. The HMMP must be fully implemented as approved in accordance with the agreed timescales.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy GI2 of the CYC Local Plan.

15 No development shall take place (including ground and enabling works, and vegetation removal) until a construction environmental management plan (CEMP:

Biodiversity) is submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not limited to the following:

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

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

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

16 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include, but not be limited to the erection/installation of bat and bird boxes on the renovated and new buildings including a timetable for the implementation of such measures. The measures within the biodiversity enhancement plan/drawing as so approved shall thereafter be implemented in accordance with the approved timescale.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF (2024) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

17 Notwithstanding any proposed materials or finishes specified on the approved drawings or in the application form submitted with the application, details of the external materials to be used for the track connecting the west 50MW BESS facility and the east 7MW BESS facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

## 8.0 INFORMATIVES:

### Notes to Applicant

#### 1. INFORMATIVE: BIODIVERSITY NET GAIN (BNG)

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

Development may not begin unless:

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

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

#### SUBMISSION REQUIREMENTS:

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

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

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

- Name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- A description of the development and planning permission reference number (to which the plan relates);
- The relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- The completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;

- A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

If habitat degradation has taken place:

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

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

[https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity\\_gain\\_plan.pdf](https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf)

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

#### INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) 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 manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

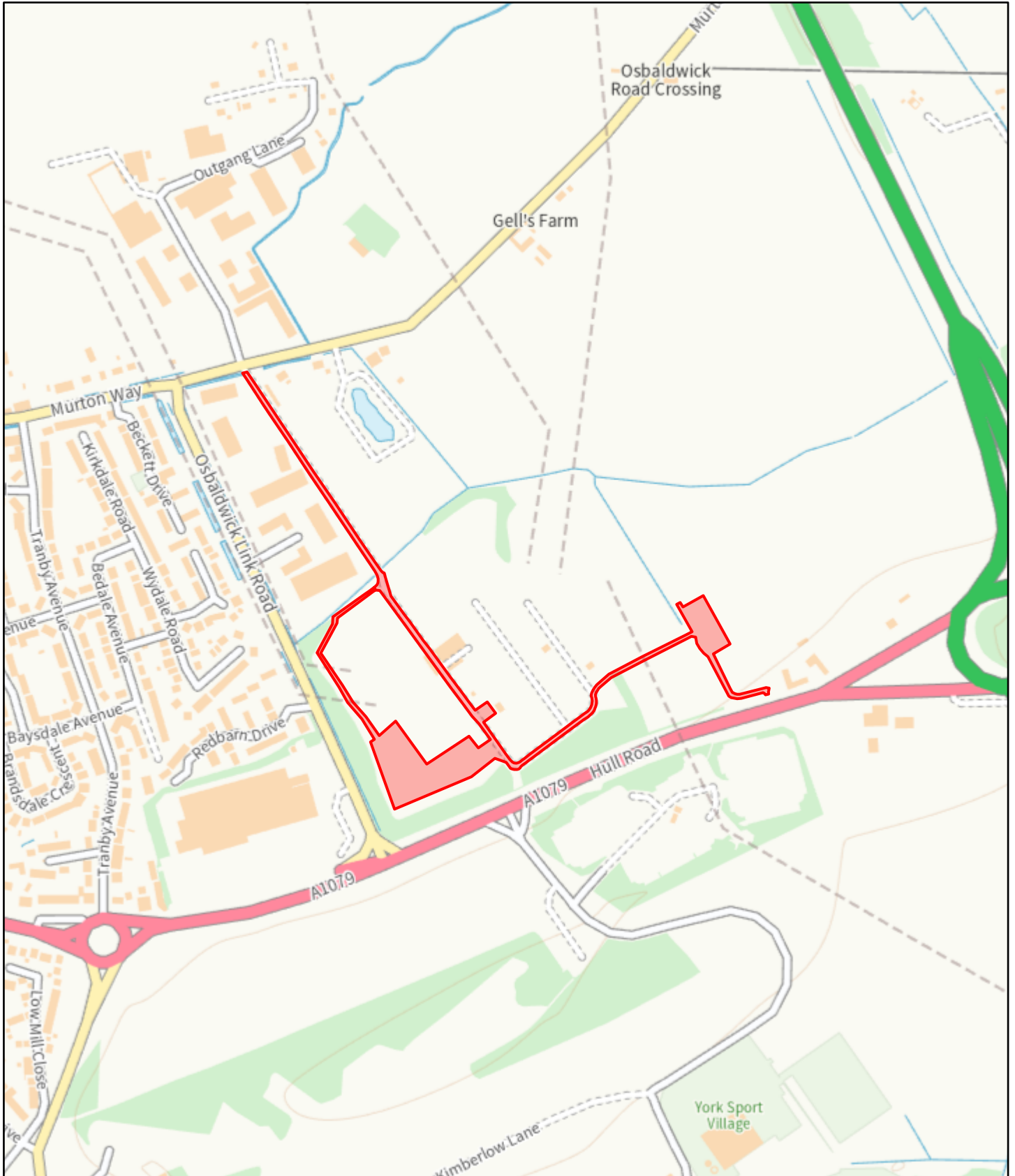
(f) There shall be no bonfires on the site

**Contact details:**

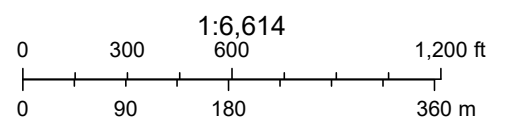
**Case Officer:** Matthew Parkinson

**Tel No:** 01904 551657

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## Planning Committee B

24/01851/FULM

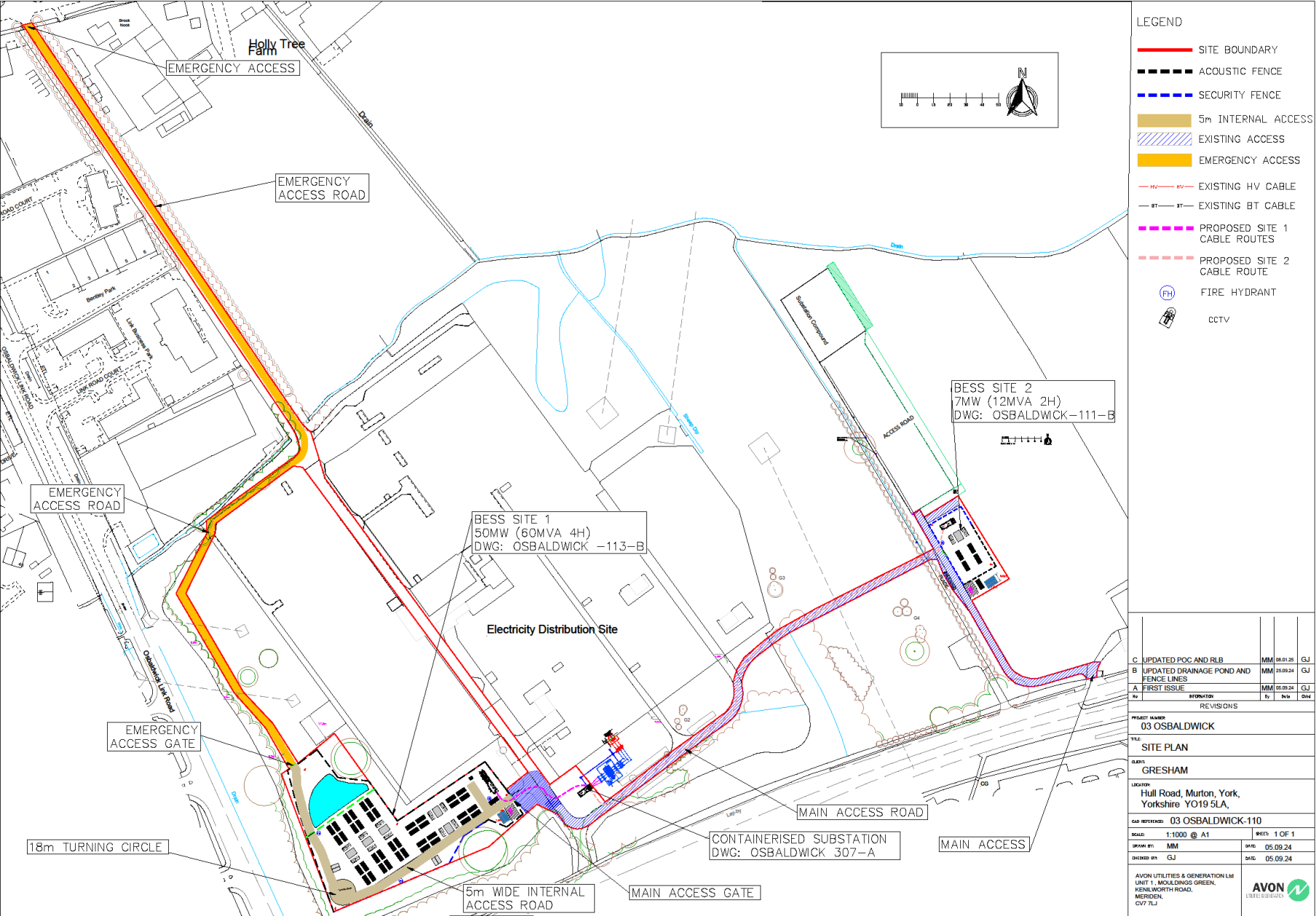
Site At Junction Of Osbaldwick Road And Hull Road  
Osbaldwick







Proposed Site Plan



Battery containers

