



## Notice of a public meeting of

#### **Planning Committee A**

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

B Burton, J Burton, Clarke, Cullwick, Melly, Steward,

Whitcroft and Watson

**Date:** Thursday, 11 September 2025

**Time:** 4.30 pm

Venue: West Offices

## <u>AGENDA</u>

# 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 attached sheet for further guidance for Members].

**3. Minutes** (Pages 9 - 26)

To approve and sign the minutes of the Planning Committee A meeting held on 8 May 2025 and 19 June 2025.

#### 4. Public Participation

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

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at meetings. The deadline for registering at this meeting is 5:00pm on Tuesday 9 September 2025.

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#### 5. Plans List

This item invites Members to determine the following planning applications:

# a) Northern House, 1 - 9 Rougier Street, York (Pages 27 - 112) [24/02021/FULM]

Erection of hotel comprising 140no. rooms including external terraces with associated car parking and vehicular drop off area, landscaping and highways works to existing access following demolition of existing building [Micklegate Ward]

# b) Turnbull Mazda, 17 - 27 Layerthorpe, York (Pages 113 - 162) YO31 7UZ [24/01077/FULM]

Demolition of existing car showroom (sui generis) and erection of a purpose-built student accommodation (sui generis) with up to 220 units and associated landscaping and parking [Guildhall Ward]

# c) Land Comprising Field adjacent to Gells Farm, (Pages 163 - 216) Murton Way, York [24/02303/FULM]

Installation of a Battery Energy Storage System (BESS) and associated infrastructure, including access, a high voltage substation, inverters, switchgears, fencing, CCTV, landscaping and biodiversity enhancements [Osbaldwick and Derwent Ward]

## 6. Urgent Business

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

## **Democracy Officer:**

Contact details:

Angela Bielby

**Contact Details:** 

Telephone – (01904) 552599

Email - a.bielby@york.gov.uk

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**T** (01904) 551550



## **Declarations of Interest – guidance for Members**

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

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item only if the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting unless you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote unless 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 only if the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting unless you have a dispensation.

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

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

City of York Council	Committee Minutes
Meeting	Planning Committee A
Date	8 May 2025
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), J Burton, Clarke, Cullwick, Melly, Steward, Watson, B Burton (Substitute), Fenton (Substitute) and Rose (Substitute)
Apologies	Councillors Ayre, Whitcroft and Moroney

## 159. Apologies for Absence (4.36pm)

Apologies for absence were received and noted for Cllrs Ayre, Moroney and Whitcroft.

## 160. Declarations of Interest (4.36pm)

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

# 161. Minutes (4.39pm)

Resolved: That the minutes of the meetings held on 16 January, 5

February and 20 March 2025 be approved as a correct record.

## 162. Public Participation (4.39pm)

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

# 163. Plans List (4.39pm)

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

# 164. Land to the South of Sugar Hill Farm, Stockton Lane, York [24/02302/OUTM] (4.39pm)

Members considered a Major Outline Application from Taylor Wimpey Ltd for up to 380 dwellings, community facilities/childcare provision, retail unit and associated works with access from Stockton Lane at Land to the South of Sugar Hill Farm Stockton Lane York.

The Head of Planning and Development gave a presentation on the application. A committee update was given by the Principal Planning Officer, who reported that a submission had been received from Cllr Warters, and there were updates to the scheme regarding drainage and archaeology. A request was also made to amend the description of development to include Gypsy and Traveller provision. He detailed why reason 7 was to be removed from the reasons for refusal.

#### Public Speakers

Cllr Ayre, Heworth Without Ward Cllr, spoke in objection to the application. He explained that the site was strategically important for housing and the applicant had made no attempt to strategically masterplan the site. He noted his concerns regarding education with the two schools put forward not suitable due to distance meaning primary school provision was needed on the site. He noted his concern regarding lack of consultation by the applicant. He added that 800 homes with infrastructure and community facilities were needed on the site.

Jennie Hanbidge, Agent for the Applicant, spoke in support of the application. She was joined by Ben Stevenson (Taylor Wimpey) to answer questions. She explained that Taylor Wimpey had a contractual interest in the in the northern half of ST7. She explained that each have of the site had its own vehicular access and the new community of two halves would be linked by walking, cycling and public transport but not by car. She explained that ST7 was allocated as a whole for 845 dwellings and that the progress for the southern half was lagging behind the north. She noted that hey had no control over times for the southern half and added that the owners of the southern part of ST7 had agreed the masterplan. She explained that their technical consultants had been in discussion with the council on matters of highways, drainage and heritage and she requested a two month extension of time to continue dialogue. She added that the application had been amended to include Gypsy and Traveller provision.

The Chair addressed the points raised by the agent for the applicant. He noted that there was a significant number of points where information was required from the applicant and hadn't been forthcoming. He explained that the Local Plan policy SS9 made it clear that to masterplan for that site the applicant needed to undertake an extensive part of the research to demonstrate how the masterplan of the site works with the needs of the community. He added that there was no evidence that the design was based on any sort of information gathering to inform the design. He noted that the report showed how a significant number of policies were not met. He asked the agent for the applicant and applicant to demonstrate how the application met policy SS9, which made it clear that there had to be an evidence base for designing the masterplan.

The agent for the applicant explained that that they had a meeting with two officers in October at which they presented a framework focussing on ST7 as a whole with a focus on the northern parcel. She explained that it was not understood there was a u turn when it was made clear at that meeting. The Chair noted that the applicant did not enter into the preapplication process. The applicant explained that a letter was submitted to the council in August requesting a preapplication process on the northern part of the site. He added that it had been chased up with officers and there had been a virtual meeting in October and there was nothing forthcoming to that process.

Members then asked questions to the agent for the applicant and applicant to which they responded that concerning there being no pockets of open space and why a housing density that did not meet the needs of the Local Plan was chosen, it was felt that it was the right amount of housing for that parcel of land. The open space was indicative and would be dealt with at reserved matters stage. They added that if the north and south parcels were taken, they would meet the density. It was added that total number of units should be 372 and the application was for 380. The application had green space on the buffer with Bad Bargain Lane and they were open to discussions with the council about the green space.

The Chair noted the request for deferral and comments of the Local Plan team to which they explained that the request for deferral was to consider the reasons for refusal. It was added that there was a 17 page document regarding a social value audit that had been undertaken. They added that they had tried to engage through the preapplication process and had had no engagement from Officers and they were not opposed to delivering services and there were changes that could be made within the scope of the application. The Chair noted that it could be looked through and the correspondence found, adding that it was not appropriate to cast aspersions against officers.

The Chair proposed the officer recommendation to refuse the applications for all of the 6 reasons minus reason 7. This was seconded by Cllr Fisher and following a unanimous vote it was:

Resolved: That the application be refused.

#### Reasons:

- 1. The development proposals do not sufficiently determine or provide for the amount and type of non-residential uses, including open space and sports provision, required to support the allocation for 845 homes within what is a garden village site. In this respect the scheme is contrary to the Local Plan vision for delivering sustainable growth for York and community identity and cohesion within new settlements. The proposals are contrary to Local Plan policy DP3: Sustainable Communities, spatial strategy policies SS1: Delivering Sustainable Growth for York, policy SS9 which is specific to the allocation and policies GI6 (open space and sport), HW2 (community facilities), HW3 (built sports), HW4 (childcare), HW7 (healthy places and Health Impact Assessment), ED6 (education), and CC2 (BREEAM Communities) in so far as they relate to strategic sites.
- 2. Due to the lack of a comprehensive masterplan for the overall strategic allocation, and the proposed type, design and distribution of uses (including landscaping and public realm) the site will lack distinct identify, will not sufficiently promote walking and cycling, or healthy lifestyles, and nor will it achieve the principles for garden villages and the social and environmental aspirations for new developments as set out in Local Plan policy DP3: Sustainable Communities. The proposals are contrary to policy DP3: Sustainable Communities, spatial strategy policies SS1: Delivering Sustainable Growth for York, policy SS9 which is specific to the allocation (and advises that the site must be master planned) and policies D1: Placemaking, D2: Landscape and Setting, H7: Healthy Places, GI3: Green Infrastructure Network, GI4: Trees and Hedgerows, GI6: Open Space and the specifics of the National Design Guide (referred to in policy D1).
- 3. The development proposals do not sufficiently provide the vision, nor the measures required to promote and facilitate, sustainable travel to support the allocation for 845 homes within

what is a garden village site. In this respect the scheme is contrary to the vision for delivering sustainable growth for York. The proposals are contrary to Local Plan spatial strategy policies SS1: Delivering Sustainable Growth for York, policy SS9 which is specific to the allocation and policies T1, T5 and T7 in respect of sustainable access, the pedestrian and cycle network and demand management.

- 4. The development proposals do not sufficiently provide for the gypsy and traveller provision required on strategic sites. In this respect the scheme is contrary to the vision for delivering sustainable growth for York. The proposals are contrary to Local Plan spatial strategy policies SS1: Delivering Sustainable Growth for York, policy SS9 which is specific to the allocation and policy H5 in respect of gypsy and traveller provision.
- 5. The 35 dwelling per hectare indicated within the proposals is not a net calculation as required by policy H2 because it omits all the open spaces (apart from grass verges) and the entire spine road. The scheme is on the basis that a low density is proposed, combined with very limited public open space within development parcels. The envisaged accommodation mix, including older persons and specialist housing, has not been supplied. Consequently the scheme is contrary to policies H2, H3 and H9 which are necessary to achieve the vision of the Local Plan in respect of providing an appropriate range of housing to meet the city's need, in a sustainable way, whilst protecting the special character and setting of the city, and to ensure Green Belt permeance, as explained in policies DP1: York sub-area and DP3: Sustainable Communities and SS1: Delivering Sustainable Growth for York.
- 6. The proposals lack the level of site investigation required to describe the significance of archaeological deposits affected and allow for determination of sufficient mitigation. The site needs to be evaluated prior to determination of the application, to enable a mitigation strategy to evolve and to ensure that preservation in-situ of archaeological resource remains a possibility e.g. removing areas from the development plan to avoid excavation. As such the proposals are contrary to Local Plan policy D6: Archaeology.

The Chair thanked officers for the report.

Cllr J Crawshaw, Chair [The meeting started at 4:00pm and finished at 5:09pm].

City of York Council	Committee Minutes
Meeting	Planning Committee A
Date	19 June 2025
Present	Councillors Crawshaw (Chair), Ayre, J Burton, Coles (Substitute), Cullwick, Melly, Steward, Whitcroft, Merrett (Substitute), Orrell (Substitute) and Vassie (Substitute)
In Attendance	Sandra Branigan – Senior Lawyer Becky Eades – Head of Planning and Development Lindsay Jenkins – Senior Planning Officer lan Stokes - Principal Development Control Engineer (Planning)

The Chair reminded the Committee that application needed to be considered against the Local Plan.

# 7. Apologies for Absence (4:30pm)

Apologies for absence were received and noted for Cllrs Fisher, Ben Burton and Clarke.

## 8. Declarations of Interest (4:36pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Cllr Coles noted her paid role as Deputy Mayor for Policing, Fire and Crime which was responsible for enforcing speed limits. Cllr Melly noted she that she undertook a small amount of freelance work for an organisation that had previously put in an objection to a previous application and that that objection was no longer relevant. Cllr Merrett noted that he sat on a Board that advised Yorkshire Water. Cllr Steward noted that he knew Tony Richardson and Cllr Gates.

# 9. Minutes (4:38pm)

Resolved: That the minutes of the last meeting held on 19 May 2025 were approved as a correct record.

#### 10. Public Participation (4:38pm)

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

#### Election of Vice Chair

Due to apologies from Cllr Fisher (Vice Chair), Cllr Cullwick was elected as Vice Chair for the meeting.

#### 11. Plans List (4:39pm)

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

Members considered an application from Mr L Tate and Mr M Elliot for the major Outline application with all matters reserved except for access for up to 700 dwellings (Class C3 with a potential element of C2 for older persons accommodation), self build plots, provision of open space including informal sports pitches and allotments, flood storage measures, Gypsy and Traveller pitch provision, early years nursery (Class E), landscaping and associated infrastructure (revised description) at Land to the South of Rose Cottage Farm and The Lodge, Moor Lane, Haxby, York.

The Head of Planning and Development gave a presentation on the application. The Senior Planning Officer gave an update noting that an additional representation had been received from the Public Rights of Way (PRoW) team requesting a developer contribution. She noted the officer response to the request and additional neighbour representations. She noted an amendment to condition 7 and updates to paragraphs 5.115 and 6.4. She detailed updates to the plans and the updated recommendation. She noted that additional information had been submitted by the applicant, requesting changes to a number of conditions. She detailed the officer response to the requests and suggested amendments to conditions. She was asked and noted the PRoW request for a developer contribution.

[The Chair paused the meeting from 4.55pm until 5.15pm to allow Members to read the committee update].

#### **Public Speakers**

Former Cllr Tony Richardson spoke in objection to the application and explained he took part in the Local Plan consultations. He noted that an area of land was missing from the application and he asked for a document to be circulated around the Committee, which was not allowed by the Chair. He noted his concerns about highways drawings being unacceptable and concerns regarding flooding. He was asked and noted that Rose cottage was part of the application.

Cllr Fisher on behalf of Haxby Town Council, spoke in objection to the application. He noted their reasons for objecting, and where the application did not meet Local Plan policy. He noted where Haxby Town Council disagreed with City of York Council over the cemetery. He was asked and explained:

- How the site could not cope with water because of the sewage works being very old and after heavy rain the storm tanks overflowed and increased demand would exacerbate the problem.
- The application should provide a different housing balance with a reduction from 4 bedroom houses to 2-3 bedroom houses.
- Regarding the site being allocated in the Local Plan, the problem was getting the site developed in the appropriate way.
- The extension of the cemetery was essential and there were ground water problems in Haxby. The problem was getting the housing mix right and mitigations were needed.

Cllr Gates on behalf of Wigginton Parish Council, spoke in objection to the application. He noted that residents attended the Parish Council meetings and were against the development due to concerns regarding Green Belt protection, omission of the cemetery extension, detrimental impact on traffic, strain on local facilities, and impact on water and sewage. He added that Yorkshire Water had confirmed that the pumping station could not cope. He noted the loss of priority species and impact on biodiversity. He asked for the application to be refused.

In answer to Member questions Cllr Gates noted:

- When the application was first proposed it addressed the seven areas of concern.
- Regarding the demography of over 60s in the Ward and the development attracting more people of working age to the Ward, the initial purchase of homes was welcomed but the Parish Council concerns remained.

Cllr Hollyer, Ward Cllr for Haxby and Wigginton, spoke in objection to the application. He was joined by Cllrs Cuthbertson and Watson, Ward Cllrs for Haxby and Wigginton. Cllr Hollyer noted there had been hundreds of local residents' letters of objection. He detailed the concerns of residents,

the application not meeting planning policy, concerns regarding the cemetery and parking and the impact on the road network. He also noted concerns regarding moving a curb, Usher Lane access and bus provision. He asked for the application to be refused.

Cllrs Hollyer, Cuthberson and Watson were asked and explained that:

- In the north of York there was huge amounts of traffic and two roads were currently gridlocked in the Ward. The main issue was the lack of roads joining the ring road which was not likely to go ahead.
- The current journey time from Haxby to the centre of York was 40 minutes and the development would add 15 minutes onto the journey.
   There was potential for the bus route to be extended to Haxby station and it would be useful to have a hopper service.
- There was sufficient provision for affordable housing.
- The community facilities assessment wasn't completed and it could have identified a need to provide sports provision.
- Having a shop would negate the need for car journeys to shops. There was a small number of shops in the village.
- The housing mix was an issue because people in the community wanted more starter homes.
- The cycling infrastructure in Haxby was woeful and a proper infrastructure for cycling was needed. The cycle routed through Haxby were explained.
- Regarding the S106 obligations mitigating health and education provision, the health centre could be extended vertically and there was limited parking. The birth rate had reduced and the three schools were full. 700 houses would make the situation worse and health services were under huge pressure.
- Regarding the inadequacy of open space provision, in the original plan the area of open space was large and there was an under provision of open space in Haxby.

Stuart Natkus, planning agent for the applicant, spoke in support of the application. He explained that the site was an allocated site in the Local Plan and was in the neighbourhood plan and complied with Local Plan policies. He explained that the extension of the cemetery was included in the planning application but was objected to by the Environment Agency. He noted that sewage could be accommodated and that it was not true that the application was reliant on the ring road. He noted that the site was 3 hectares and had more open space than required. He explained that the housing mix would be dealt with at the reserved matters stage. He added the scheme delivered 320 affordable homes and was fully policy compliant. In response to Member questions, he explained:

• The site was in the Haxby and Wigginton neighbourhood plan.

- The design of the scheme allowed a change of bus route and a contribution was provided towards a bus service.
- If 100% N4 homes was applied, if there was a condition on it, the applicant would have to deal with the condition.
- Regarding paragraphs 5.79 and 5.244 regarding the Health Impact Assessment, childcare and community facilities had been audited. Policy didn't state that an audit needed to be carried out.
- Paragraph 3.50 regarding Haxby Town Council's objections were the comments of the community.
- An audit of what facilities were in Haxby was undertaken and there were shops and community facilities in Haxby.
- Regarding minimising the development on local people, colleagues had met with Haxby Town Council and Wigginton Parish Council and had well attended sessions. The scheme mitigated impact on peoples lives. There would be a traffic management plan that the Town and Parish Councils could be involved with and the applicant was about creating good working relationships.
- Solar panels could be put on the development depending on what government policy was.
- Regarding any scope for affordable housing, the number of affordable houses was noted. It was noted that two developers on other developments delivered more affordable houses and the application was delivering more affordable houses than the S106 required. Government policy would bring in a requirement for solar panels and they would meet building regulations.
- The possible Gypsy and Traveller areas were shown in orange on the site
- There was a condition for one car club pitch.
- Regarding the split of self builds between the two housebuilders, the applicant saw the site as one site.
- The house types were linked to the strategic housing markets assessment.
- Concerning not meeting housing density on site A, the scheme was
  policy compliant with a 5% reduction in housing. There were lots of
  constraints on site and the loss of 65 dwellings was due to the size of
  the land around the open space.
- The applicant had not objected to the strategic housing markets assessment and the application was policy compliant with 30% affordable housing. The contributions to be made were noted.
- Links had been provided for pedestrians and cyclists.
- The aim of the travel plan was to reduce car journeys and the applicant did not have issues with how the £637k contribution was spent.
- There was 5 years for the scheme and within a 5 year period they would not be near to delivering 500 dwellings.

 The applicant was not in a position to make a commitment to commit to a viability review at the end of the process to ensure that maximum amount of affordable housing was delivered.

[The meeting adjourned from 6.58pm until 7.11pm].

The Head of Planning and Development Services was asked end explained what was in the scope of the outline planning application. In response to questions from Members, Officers explained that:

- If approved the phasing strategy would be negotiated with Yorkshire. It was confirmed that Yorkshire Water knew about the site allocation.
- Ther Senior Lawyer explained that there was no need to have a formal Equalities Impact Assessment and there had to be due regard to equalities issues.
- The scheme was PSED compliant.
- The Traffic Management Plan was a condition to be discharged at outline consent.

[Following a comment from a Member the Chair noted the Committee could only determine planning applications under current planning policy].

- Regarding whether rerouting the bus route could be conditioned, there
  had been discussions with colleagues in the sustainable travel team and
  the site access was not sufficiently wide enough to route a bus service
  through the site. There would be a little change in travel time for bus
  route 1A.
- The applicant had not given any evidence of meeting capacity for additional bus passengers which was why they had been asked for a contribution. The applicant had offered each dwelling a £400 travel voucher per dwelling.
- The PRoW team had asked for the kissing gates to replace the styles. It
  was noted that there may be livestock to be considered. The Head of
  Planning and Development Services undertook to check if it was
  possible to not limit to kissing gates.
- The car club contribution was for the use of the car club by the first occupants.
- The £210,000 contribution for the monitoring of travel plan by CYC was offered by the applicant.
- If there was piling below ground a noise survey would be required for the dwellings and noise control came under the management plan.
- There were other alternatives to discounted sale and the 80% affordable housing social rented and 20% discount sale tenure would still be there.
- The Environment Agency objected based on paragraph 170 of the NPPF regarding the contamination of ground water.

- The open space provision provided a number of spaces for recreational activity.
- It was not reasonable to condition the interment of ashes.

[The Chair reminded the Committee that it could only determine the application before it].

- Officers had pushed to make the site as sustainable as possible and they noted areas of improved infrastructure for walking and cycling through the site. The approach to the travel plan was explained.
- There was a number of conditions regarding the applicant considering biodiversity. The biodiversity net gain was set out in the application.
- The monitoring of the development would be dealt with through planning enforcement, which was fully staffed.
- The consultation response to sports provision was provided through Sport England.
- Regarding whether New Earswick Sports Club would bet a contribution had not yet been determined.
- Officers had made a balanced view that the education contribution was acceptable.
- There was no named neighbourhood plan.
- Officers had made a balanced view on the viability of the district centre.
- The S106 contribution would be index linked.
- The application site was one hectare less than the site allocation and the applicant had increased density levels. The application delivered 5% less density than Local Plan policy and it was noted that a number of constraints had not been picked up at the Local Plan process.
- Officers had taken the view that the application would achieve the 30% affordable housing requirement.
- The extension of time to determine the application was the end of June, if determined beyond that date, the developer could go to appeal for non determination.
- Once there was agreement from Members to approve the application, detail of the S106 agreement would be negotiated.
- There would be different levels of indexing (RPI/CPI) for different contributions.
- Regarding amended condition 32, it could be conditioned that the statement was subject to approval in writing.
- In 2023 amendments to the Local Plan added in higher affordable housing provisions.
- There was no mechanism for the final assessment for viability to see it was Local Plan compliant as there wasn't agreement from the applicant for a planning obligation for a viability assessment.

- The applicant offered a contribution equating to circa £449,000 to deliver the mitigation measures, to enable capacity to be increased at these junctions including kerb realignment. The estimate from the council's consultants (AECOM) was over £1million.
- Under a section 278 agreement the applicant could undertaker work on highways.
- The Council was the Highways Authority for adopted highways and could ask the developer to undertake highways work on highways affected by the site.
- The plans if approved matched the red line on pages 136 and 137 of the agenda pack and there was no other parcel of land associated with the site.
- The outline application was for up to 700 dwellings and it would not go over that amount at reserved matters stage.

During debate Members were advised that the 80% social rent could be put in the heads of terms. A Member asked and was advised for an amendment to condition 6 regarding physical barriers had not been requested by the Ecologist.

Cllr Steward proposed the officer recommendations as detailed in the report and committee update, an increase in car club spaces to two, kissing gates being amended to appropriate gates and a minor amendment to condition 32. This was seconded by Cllr Whitcroft. Following a vote with seven Members voting in favour, three voting against and one abstention, it was:

#### Resolved:

- That the application be approved with the conditions in the report and committee update, an increase in car club spaces to two, kissing gates being amended to appropriate gates and a minor amendment to condition 32, and subject to the completion of a s106 agreement
- 2. That delegated authority to be given to the Head of Planning and Development Services to:
  - a. The completion of a Section 106 Agreement to secure the following planning obligations:
  - management and maintenance of public open space

#### Reasons:

 The Council has an adopted Local Plan. The application site is allocated as a strategic housing site (ST9) to which policy SS11 relates. The southern parcel of the allocation is identified in the policies map and to which policy GI6 relates, as open space (OS9). The application boundary excludes an area to the north of Cyprus Grove, although this is within the boundary of the ST9 allocation.

- 2. The application seeks outline consent with all matters reserved except access for residential development for up to 700 dwellings. Open space, informal sports pitches, allotments and play spaces, along with a 50-place early years nursery, landscaping and drainage infrastructure will be provided within the site. During the consideration of the application, a number of changes have been made, with key areas of infrastructure changes resulting in the removal of an on-site primary school.
- 3. The applicant has now sought to provide on-site gypsy and traveller provision amounting to 3no. pitches, in line with policy H5. In addition, the applicant is now proposing an increase in the quantum of residential development of up to 700 dwellings. This is reduced from an original (circa) 800 dwellings, but an increase from 640 dwellings (December 2024 proposals). The Local Plan allocation outlines that approximately 735 dwellings are expected to be delivered. This number is reduced to 704 to take into account the smaller application site than the Local Plan allocation. Alongside these changes, the density has also been increased, and whilst not complying with the required 40dph, 38dph is an improvement on the previous proposals, and the proposed development, on balance, would make optimal use of the potential of the site.
- 4. Highways matters, particularly in respect of public transport provision has now been addressed, with a bus service contribution agreed to provide additional frequency (half hour service) and capacity on a bus service that would be re-routed and looped into the site, allowing at least 85% of the dwellings being within 400m of a bus route, ensuring that the modal split targets outlined in the applicant's Travel Plan are much more achievable, whilst also aligning with the Council's aspirations and policies in respect of sustainable travel. Further, the proposals would optimise pedestrian and cycling integration, connection and accessibility in and out of the site, encouraging more active forms of transport to enable prospective residents to access the range of facilities and services located in Haxby town centre and beyond to York city centre and beyond. A commitment (through a s278 condition) to undertaking off-site

highway works to improve the capacity of the four junctions of the A1237 with result in the proposal having neither an unacceptable impact on highway safety nor a cumulative impact on the highway network. There will be further enhancements to the public right of way, that runs through the site (north to south).

- 5. Updates and clarification have been provided in respect of ecology and landscaping and the proposals have considered and would reflect local character and the existing framework or field patterns and hedges/trees. There is the provision of open space to the south of the site, which will provide facilities in the form of allotments and paying pitch along with informal amenity greenspace and play provision throughout the site. The SANG footpath is a key element to the proposals and is required in order to mitigate the impact to Strensall Common SAC.
- 6. The approach to education provision has been revisited during the assessment of the application, arising from the variation in the number of dwellings. The provision of an on-site primary school has been agreed to be less viable in the long-term. Whilst the yields for the development justify a request to expand primary provision the approach that secures developer contributions for education infrastructure via \$106 legal agreement, is agreed. Early years provision is also accounted for, with an on-site nursery to be delivered and financial contribution for the rest of the steady state yield is also agreed.
- 7. Overall, and on balance, it is demonstrated that the proposal would achieve sustainable development in providing housing, supporting strong and healthy communities whilst making efficient use of land and enhancing the natural environment. As detailed above, the proposals, are broadly in line with the relevant Local Plan policies, particularly SS11, DP2, SS1, GI6 and H3.
- 8. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and in this context, this means approving development proposals that accord with an up-to-date development plan without delay. Approval is recommended subject to the completion of a S106 agreement and the imposition of conditions.

Cllr J Crawshaw, Chair [The meeting started at 4.30pm and finished at 9.41pm].

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#### **COMMITTEE REPORT**

Date: 11 September 2025 Ward: Micklegate

Team: West Area Parish: Micklegate Planning

Panel

Reference: 24/02021/FULM

**Application at:** Northern House 1 - 9 Rougier Street York

**For:** Erection of hotel comprising 140no. rooms including external

terraces with associated car parking and vehicular drop off area,

landscaping and highways works to existing access following

demolition of existing building

By: Evans Dakota Hotels Limited

**Application Type:** Major Full Application **Target Date:** 18 September 2025

Recommendation: Approve

#### 1.0 PROPOSAL

1.1 Planning permission is sought for the demolition of the existing building at Northern House (7-9 Rougier Street) and construction of a 140no. room hotel including external terraces with ancillary bar and restaurant. Externally, there will be an associated car parking, vehicular drop-off area, landscaping and other infrastructure works.

## The Site

- 1.2 The site relates to the existing building known as Northern House, which is a 7-storey vacant office building. It was constructed in the 1970s and refurbished in 2006. It is located in the city centre on the south-western side of the River Ouse. The building is surrounded by built development; it fronts Rougier Street and adjoins No. 15 Rougier Street, which is a three-storey residential dwelling and a three-storey office building at No. 5 Rougier Street (known as Rougier House). The northeastern boundary is formed by the Aviva buildings and Tanner Street.
- 1.3 Vehicular access is provided from Tanners Moat, via a ramp, which leads to a first-floor external car park for parking of approx. 24 cars. The building occupies almost the entire site at ground floor level, however the building narrows and occupies half of the site's footprint from the 2<sup>nd</sup> floor.
- 1.4 Rougier Street is heavily trafficked, it is one of the city centre bus interchanges. The site is located within the city centre boundary as defined on the Local Plan Policies Map; however, it is not within any primary or secondary shopping areas.

- 1.5 Northern House is an unlisted building located within Character Area 22: Railway Area of the York Central Historic Core Conservation Area (YCHCCA). The site falls within the Area of Archaeological Importance. The site is surrounded by a number of listed buildings including No's 15, 16 and 17 Rougier Street (Grade II), All Saints Church on North Street is Grade I; with other LB (Grade II and II\*) on Tanner Row and George Hudson Street.
- 1.6 The site is wholly located within Flood Zone 3 where there is a high risk of flooding.

## The Proposal

- 1.7 The proposal relates to the demolition of the existing building 'Northern House' and its replacement with a 140-bed hotel. The replacement building will have a ground floor providing reception and concierge, bar and restaurant as well as back of house functions. The above seven floors will provide bedrooms, with at least one accessible king (6no.) on every floor other than the seventh floor. There are a range of other bedroom types including classic double (30no.), classic king (80no.), large king (8no.), garden king (4no.) and suites (12no.).
- 1.8 Terraces will be provided on the Rougier Street elevation on the third floor. At sixth floor level recessed terraces will be provided on the Tanners Moat elevation with a further terrace of the Tanner Street elevation on the seventh floor.
- 1.9 There will be circulation cores providing lift and stairs and offices, housekeeping and back of house functions also provided on the first and second floors.
- 1.10 The building will have a dual-access lobby on the northwestern elevation of the building, which allows access from Rougier Street as well as via the courtyard via Tanners Moat. From Rougier Street, a concealed platform will be recessed into the steps to provide level access from the street. The existing access off Tanners Moat will be retained with works to lower the existing ramp. This will lead to a courtyard for taxi drop-off and valet parking. Two car parking spaces will be provided, with one as an accessible space with EV charging serving both spaces. Low rise stepped access and wheelchair platform lift will provide access to the lobby from the courtyard. The grill and terrace can be accessed from the courtyard as well as from within the building.
- 1.11 Cycle storage for 4no. short stay (visitor) bikes will be provided underneath the 'cigar; terrace. Long stay (staff) cycle parking will be provided in the back of house areas on the ground floor with access from Tanner Street. Servicing will continue from Tanner Street.
- 1.12 The applicant sets out that the hotel will employ 120 full and part time staff.

- 1.13 The application proposals have been updated following design objections. The amendments include:
- the building height has been reduced by 900mm by reducing floor-to-floor heights to reduce the gable ends of the building facing north-west
- the building has been pulled back from Rougier Street by 500mm and from Rougier House by 1m
- courtyard study provided
- updated elevations
  - podium intentionally designed to be more domestic in scale and character with bronze effect window details and surrounds
  - windows omitted from the lift core and vertical brick detailing introduced. The brick detailing repeated on both gable ends
  - rationalisation of building lighting
  - 'Dakota' branding removed from the northern elevation
  - proposed high level signage on western elevation (justification provided from the applicant citing that they consider it an invaluable wayfinding tool tools for those coming from the station, entering the City Walls from the north-west)
- 1.14 Further updates have been made to the elevation plans, which have subsequently removed all external lighting:
- 2019 Rev P01 Proposed elevations South and West
- 2120 Rev P01 Proposed elevations North and East
- 1.15 Additional documents/information have also been provided as part of the revised application and include:
- CEMP (Rev 002) (FM-ENV-04-01) including Logistics plan and demolition methodology
- CEMP Protection of River Habitat River Ouse
- Design response summary
- Adaptation and demolition statement (Jan 2025)
- Advice Note from Montagu Evans
- Daylight and Sunlight Report
- Outline Landscape Masterplan (Dwg No. PWP 922 001 Rev P04) including applicants response to landscaping comments
- Updated Archaeological Statement (Ver 1.03 May 20th 2025
- General Arrangement of Foundations (Dwg No. 6272-JPG-BL-FN-DR-S-2101 S4 P03
- Pile Schedule (Dwg No. 6272-JPG-BL-FN-DR-S-2106 S4 P03
- Email from Agent (O'Neill's Associates) providing reasoning behind facilities within the hotel
- 'Response to Historic England' letter dated 5 June 2025

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- CMP Addendum No. 1 (Demolition) including Delivery Strategy (Opt.1), Delivery Strategy (Opt. 2) and Welfare Options by GMI
- Knight Frank brochure of 'Roman Quarter' and email from agent explaining the marketing of the site

## **Planning History**

1.16 The property was part of the proposals for the development known as 'Roman Quarter'. Under these proposals, Northern House (7-9 Rougier Street) would be demolished.

19/02672/FULM Demolition of 1 - 9 Rougier Street and erection of 10 storey building, with roof terraces, consisting of mixed use development including 211 apartments (Use Class C3), offices (Use Class B1), visitor attraction (Use Class D1), with associated landscaping and public realm improvements; Application refused 12.03.2021

22/00098/FULM Demolition of 1 - 9 Rougier Street and erection of mixed use development including 153 apartments (Use Class C3), offices (Use Class E), visitor attraction (Use Class F1), aparthotel with 88 rooms (Use Class C1) with associated landscaping and public realm improvements - (resubmission); Members resolved to grant planning permission (5 October 2022) subject to a S106 legal agreement, no decision has been issued and no further action will be taken on the application (04 June 2024), following the applicant Rougier Street Developments Limited entering receivership.

1.17 A planning application has been submitted, although at the time of the report is undetermined, relating to No. 5 Rougier Street (Rougier House):

24/01918/FULM Change of use of offices (use class E) to 32no. bed purpose-built student accommodation, installation of solar panels and mechanical plant to roof, and rooflights to front, rear and side roofslopes with associated cycle parking; Pending Consideration

#### 2.0 POLICY & LEGISLATIVE CONTEXT

## Planning (Listed Buildings and Conservation Areas) Act 1990

2.1 As the site is within the designated YCHCCA, in determining any planning application the Local Planning Authority has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of designated conservation areas. Additionally, in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority has a statutory duty (under section 66 of this Act) to 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 Case law has made clear that a finding of harm to a conservation area or to a listed building or its setting is a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases.

## Planning and Compulsory Purchase Act 2004

2.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that an application is determined in accordance with the development plan unless material considerations indicated otherwise.

## City of York Local Plan

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

SS3 York City Centre
EC2 Loss of Employment Land
EC4 Tourism
R1 Retail Hierarchy and Sequential Approach
R3 York City Centre Retailing
D1 Placemaking
D4 Conservation Areas

D5 Listed Buildings
D6 Archaeology

GI2 Biodiversity and Access to Nature

CC1 Renewable and Low Carbon Energy Generation and Storage CC2 Sustainable Design and Construction of New Development

ENV1 Air Quality

ENV2 Managing Environmental Quality

ENV3 Land Contamination

ENV4 Flood Risk

ENV5 Sustainable Drainage T1 Sustainable Access

T7 Minimising and Accommodating Generated Trips

## Neighbourhood Plan

2.5 There is no made Neighbourhood Plan relevant to this application site.

## National Planning Policy Framework (NPPF)

- 2.6 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).
- 2.7 The sections of the NPPF that are considered to be of relevance to this planning application include: 6) Building a strong competitive economy 7) Ensuring the vitality of town centres, 9) Promoting sustainable transport, 12) Achieving well-designed places, 14) Meeting the challenge of climate change, flooding and coastal change, 15) Conserving and enhancing the natural environment and 16) Conserving and enhancing the historic environment.

#### 3.0 CONSULTATIONS

**INTERNAL** 

## **City Development**

3.1 Any response will be verbally reported.

# **Design and Conservation (Archaeology)**

- 3.2 An evaluation report and updated archaeological statement (May 2025) and a detailed foundation design has now been submitted. Existing pile locations have been transposed onto the foundation plan and plotted using evidence from the extent structure. The below-ground impacts of the proposed development on the archaeological deposits on the site will be:
  - foundations insertion of new pile foundations including pile caps and ground beams
  - drainage and attenuation
  - electrical sub-station and connections
  - deeper areas of disturbance within two circulation cores
  - crane base
  - potential impact on groundwater movement/drying out of deposits using piles through anoxic deposits

- 3.3 It is expected that formation levels for the new build will be similar in impact depth to the extant building. The finished floor levels will be raised in line with flood resilience policies. This will aid the protection of the medieval and older deposits.
- 3.4 The impact of piling and the harm to the longer-term preservation of organic archaeological deposits on the site remains uncertain. This is the case across all developments using piled foundations in waterlogged areas within the city. However, the site is known to contain Roman waterlogged archaeological deposits which area of the highest significance.
- 3.5 It has been stated that none of the existing piles can be reused and further tests on existing piles cannot be undertaken until demolition has taken place. Further investigation of the re-use of existing piles following demolition is encouraged.
- 3.6 The submitted foundation strategy proposes 183 bored-in-situ piles between 450-600mm in diameter. All impacts below 8.1m AOD are reported as having an impact of 4.18% on archaeological deposits. This has been further broken down as 4.18% destruction (area) in medieval, dry zone 8.1m-7.6m AOD to accommodate circulation cores and crane base. The potentially nationally significant, deeper, Roman, waterlogged deposits impacted by pile only, will be impacted by less than 2% based on area. The **total** impacts below 8.1m are just over 2% in terms of volume.
- 3.7 The foundation design presented is deemed acceptable in terms of Local Plan policy D6. Any changes to the foundation design will need to be re-submitted for approval. Amendments that increase the % of destruction will not be accepted.
- 3.8 The excavation of a portion of the medieval deposits and further deposit monitoring will add to the data set for future policy consideration are appropriate mitigation measures. Archaeological monitoring will take place on shallower areas of disturbance.

## <u>Design and Conservation (Team Manager)</u>

- 3.9 Updated comments have been provided following changes/updates to the proposal. In summary:
- -the proposal is supported for the aspect of architectural design in isolation (i.e. when extracting immediate townscape impacts) and supported for its minor impacts on the wider city settings.
- the proposal would appear to create a more guaranteed future use and improvements to the street through more street animation than currently evident.
- immediate townscape impacts are still negative due to narrowing building separation on Rougier Street by 2.8m and gap to Aviva by 1.8m. The previous recommendation of removing floors (if this wider floorplate is a pragmatic necessity

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of this use), is not taken up other than a modest 0.9m lowering, and the proposal since last time has got slightly wider impacting on Aviva separation.

- overall, design impacts are slightly negative and are minor in objection, in my

position of the overall scheme on design grounds.

## **Design and Conservation (Ecologist)**

3.10 No objection; there's generally not a great deal of ecological concerns at the site. Given that the site doesn't include any habitats that would be lost it's not subject to statutory BNG. It is recommended that a scheme for ecological enhancements (bird/bat boxes) should be incorporated into the design of the building as well as lighting details to avoid unnecessary light spill to light sensitive species including bats. Both of which can be dealt with by condition.

## **Design and Conservation (Landscape Architect)**

3.11 Public realm and street scene landscape is extremely limited, but no objection overall given the current context. The level of detail for a planting plan is appropriate. Details for tree pits, planters and raised beds required under precommencement condition.

## **Economic Development**

3.12 Any response will be verbally reported.

## **Highways Network Management**

- 3.13 Cycle parking we would prefer to see short stay cycle parking to be provided on the site frontage. Three Sheffield cycle stands will suffice. The rest of the spaces will have to be that of the staff and overnight guests. The standards are 1 space per 10 beds and the cycle parking must be easily accessible.
- 3.14 Vehicular access and parking the standard bay exit swept path analysis should be revised as it is not clear how the vehicle will turn out of the bay. If they are proposing to use the existing vehicular access for multi-use, the cycle access should be segregated otherwise this raises highway safety concerns.
- 3.15 Street Lighting no arrangements are indicated to replace the highway lighting that is currently fixed to the existing buildings. Street lighting columns are the preferred option in this location. Details are sought in respect to temporary lighting on Rougier Street during demolition and construction as this is a busy transport hub and visibility on this street is paramount.
- 3.16 Additional comments have been received, outlining that the highways officer has been liaising with the applicant's construction contractors regarding devising a

practical and adequate Method of Works Statement, and working towards addressing issues raised by highways including the traffic regulations team and transport planning team. This is not a finalised matter and therefore we recommend a condition so that a working document is provided prior to work commencing.

- 3.17 More details regarding funding and responsibility for the proposed Travel Plan, and commitment to work with iTravel York on its implementation and how it will convey sustainable travel information to staff is required in a revised Travel Plan, which can be conditioned.
- 3.18 Other highways conditions including a dilapidation survey have been recommended.

## **Lead Local Flood Authority (LLFA)**

- 3.19 In regard to flood risk, a condition requiring compliance with the submitted Flood Risk Assessment and Drainage Strategy as well as the mitigation measures (finished floor levels shall be set no lower than 11.35m above Ordnance Datum (AOD)), sleeping accommodation is located at first floor level and above and the applicants/owners sign up to the Environment Agency's Flood Warning System is recommended.
- 3.20 Foul and surface water whilst there are some information missing from the applicant's assessment report, we are content that a suitable scheme can be developed via conditions, if planning permission was to be granted.

# **Public Protection Unit (PPU)**

- 3.21 Noise sought clarification in respect of the submitted Noise Assessment by Dragonfly Acoustics. The nighttime plant noise is required to be reduced. Noise matters can be dealt with by conditions.
- 3.22 Land Contamination The applicant has submitted a number of contamination assessments that demonstrates that there will be no risks of hazardous gas, groundwater or soil contamination and that the site is suitable for the proposed use. No further information is required and a conditions covering the reporting of unexpected contamination is advised.
- 3.23 Construction Management The applicant has submitted a construction environmental management plan (CEMP) and this provides details of the controls that will be put in place to minimise disturbance from noise, vibration and dust. Provided all the controls within the CEMP are put in place and remain for the duration of the construction then there is no requirement for a construction management condition.

- 3.24 Odour as a commercial kitchen would be included as part of the hotel operation, a condition requiring details of the adequate facilities for the treatment and extraction of cooking odours are requested.
- 3.25 Lighting as the site is within an urban area it has been confirmed that the Environmental Zone for the area is the E4 zone. A lighting assessment undertaken by Orbis has been submitted however a condition is recommended requiring a full lighting impact assessment is undertaken. There is the expectation that other than required for emergency and security purposes, all external lighting shall be turned off by 23:00 on any day.
- 3.26 Air Quality an air quality assessment has been carried out which considers the potential impact of both the construction and operational phases of the development. In line with DEFRA guidance, an exposure assessment for the development is not required. Certain design aspects of the scheme help to mitigate exposure of future guests of the hotel to pollution. Given the proposed hotel use and design aspects of the development, no specific additional exposure mitigation is required.

#### **EXTERNAL**

## **Micklegate Planning Panel**

- 3.27 No objections but make the following comments:
- disappointed with the appeal of the building
- apparent lack of ramps for wheelchairs
- any high-level signage should not be illuminated

# **Active Travel England (ATE)**

3.28 Standing advice is issued and we encourage the LPA to consider this as part of its assessment.

# **Conservation Area Advisory Panel (CAAP)**

- 3.29 Comments made on the application in December 2024
- 3.30 The Panel are concerned about the height and bulk of the new building, particularly as the existing tendency towards a canyon effect on Rougier Street will be greatly exacerbated by the building. The building should be reduced by one storey.
- 3.31 The scheme does not identify the type or number of accessible rooms. There is mention of a platform lift to the main entrance, but this is not on the plans. The rear steps to the courtyard area are also not to regulations.

#### **Environment Agency**

3.32 Will meet the NPPF requirement if a condition requiring compliance with the submitted Flood Risk Assessment and Drainage Strategy as well as the mitigation measures (finished floor levels shall be set no lower than 11.35m above Ordnance Datum (AOD)).

#### **Historic England**

- 3.33 Comments made on the application in December 2024
- <u>3.34 Built Form</u> we have no concerns regarding the form, height of length of the proposed building, we consider that the proposed width would have a harmful impact on the character and appearance of the conservation area as a result. The proposed building is almost the same height and length as northern house.
- 3.35 However, it would be 5m deeper than the existing, creating a significantly bulkier overall form and potentially causing an uncharacteristic canyon effect along Rougier Street. We recommend that design modifications are sought to achieve a more elegant, narrower form, which would help improve the character of the street-scene and better maintain views through between heritage assets.
- 3.36 The historic warehouse design aesthetic proposed is not considered harmful in principle, as this can be seen to draw on the historic built character of the area, as are the proposed red brick elevations. However, we cannot see the assessment or analysis which has been used to substantiate that the built form responds to the distinctive historic character of York.
- 3.37 The most sustainable building is one which already exists. Therefore, you should be satisfied that it is not possible for the building to be adapted and reused, before being minded to accept the demolition and loss of the embodied carbon within the building.
- <u>3.38Archaeology</u> Initial comments received in December 2024, and then subsequent comments received May and June 2025 following submission of revised/further information relating to archaeology.
- 3.39 December 2024 The simple equation and the conclusion reached by the archaeological consultant to establish the percentage impact of the piles on these deposits is contrary to the published (Historic England) guidance on piling. Our guidance explains that different types of piles have different impacts and the proposed pile type has not been identified by the developer. In addition, there has been no assessment of the accumulative impact of successive redevelopment, and

we would expect to see some indication that the existing plans have been assessed for their re-use potential.

- 3.40 May 2025 The evaluation report provides some aid in characterising the archaeological resource and refining the deposit model, but without detailed foundation designs it is not possible to assess the impact of the proposed scheme on the significance of the nationally important archaeological deposits. The application fails to take into account the cumulative impact of the 154 proposed new piles with the existing Northern House piles. Additionally, the figure of 3.2% has been calculated by area rather than volume (pile diameter and depth), so does not quantify the total impact. We consider that this is a fundamentally flawed approach to the nationally important archaeology on this site.
- 3.41 June 2025 the additional information (plan 'General arrangement of foundations' showing both proposed and existing pile configurations) proposes a twenty per cent increase in the number of piles, thereby increasing the harm to significance, with no clear justification. There is no evidence in support of the statement that the existing pile arrangement cannot be re-used.
- 3.42 July 2025 the additional information 'Response to Historic England' letter takes us no further forward; the proposal for demolition remains unjustified, and the requirement for piling is unsubstantiated. It fails to address any of our key concerns about the impact of the proposals on the significance of the archaeological deposits. The suggested archaeological strategy is inappropriate and harmful.
- 3.43 The application does not comply with national (NPPF) and local plan (D6) policy.

## **Police Architectural Liaison Officer**

3.44 A Security Needs Assessment has been carried out as part of the BREEAM process. Therefore, we have no comments to make on the proposal.

## **York Civic Trust**

3.45 Any response will be verbally reported.

# **Yorkshire Water**

3.46 The submitted Flood Risk Assessment and Drainage Strategy is acceptable and recommend a condition requiring compliance with the strategy.

#### 4.0 REPRESENTATIONS

- 4.1 The application has been advertised by site and press notice, as well as neighbour notification. One letter of objection has been received citing the following concerns:
- aesthetic of the hotel proposal its design is bland, severely lacking any artistic merit
- is only likely to further gentrify York city centre with yet another huge boring block of bricks
- Dakota where is the imagination? build something beautiful
- it does not reflect the heritage of the location or intend to conserve any meaningful architectural influence while being in a conservation area
- it's not sympathetic to the fabric of York's history
- the hotel risks oversaturating an arterial gateway of the town with temporary accommodation instead of long-term non-hospitality industries, which would guide the sustainability of York's economy away from tourism.

#### 5.0 APPRAISAL

#### 5.1 Key Issues:

- Principle of the development
- Design
- Heritage
- Archaeology
- Landscaping
- Ecology
- Highways and access
- Flood risk and drainage
- Environmental/amenity impacts
- Air Quality
- Climate change
- Contaminated land
- Public Sector Equality Duty
- Conclusion of harm to heritage assets (public benefits)

#### **ASSESSMENT**

# Principle of the development

## Employment use

5.2 Northern House is a vacant office building. Local Plan policy EC2 applies to the loss of any employment generating uses, however the proposed hotel use remains an employment use, as defined in the LP glossary. The LP glossary explains that employment generating uses includes development including those within the B2,

B8 and E(g) use classes, public and main town centre uses, excluding housing development. Local Plan policy SS1 explains that main town centre uses are those as defined by the NPPF and includes tourism development which specifies hotels.

5.3 The applicant states that expectations for this site relate to staffing demands of 125 employees, equivalent to 90 (gross) FTE. There is no loss of employment generating uses within this proposal and therefore LP policy EC2 is not applicable.

#### Principle of hotel development

- 5.4 The application site falls within the city centre boundary as defined on the Local Plan policies map.
- 5.5 Local Plan policy SS3 (York City Centre) identifies York City Centre as the economic, social and cultural heart of York. The city centre is identified as a priority area for a range of employment uses and is fundamental to delivering the plan's economic vision. It is the principal location in the City of York area for the delivery of economic growth in tourism, leisure and cultural sectors. Hotel (Class C1) developments are acceptable in principle within the city centre, as defined in the policies map. Policy SS3 seeks a number of principles to be taken into account when considering city centre development proposals, the principles relevant to this application include:
  - i. Conserve and enhance the existing historic character of York City Centre whilst encouraging contemporary high-quality developments that add to the sense of place and create a prestigious and desirable location for thriving businesses
  - ii. Enhance the quality of the city centre as a place and rediscover the outstanding heritage of the city with reanimated and revitalised streets, places and spaces
  - v. create a strong evening economy by diversifying the current functions of the city centre to provide more for families and older people and encouraging activities to stay open later in the evening
- 5.6 An assessment of how the proposals will accord with sub sections i. and ii. of policy SS3 in respect of enhancing the built environment and public realm will be addressed in the heritage/design sections of this report.
- 5.7 The hotel proposes an ancillary bar and restaurant on the ground floor, which will be open to the public and is likely to generate activity throughout the day and into the evening.
- 5.8 Local Plan policy EC4 (Tourism) outlines that tourism in York will contribute to a diverse economy. Proposals that maintain and improve the choice and quality of visitor accommodation to encourage overnight stays will be supported.

- 5.9 The city centre, and particularly Rougier Street, is a sustainable location which is accessible by a range of transport modes.
- 5.10 The applicant's Economic Impact Assessment (Sept 2024) outlines that the hotel will appeal to international and first-time visitors as well as business conference visitors and domestic visitors, adding to the existing visitor accommodation offer at the higher end of the spectrum of provision. Policy EC4 encourages conferencing and events facilities to encourage business visitors, and whilst the applicant sets out that business conference visitors will be targeted, limited conference facilities will be provided for within the development. The applicant however does set out that there are private dining areas that can accommodate business visitor needs but no formal conference/meeting facilities will be provided, which are more suited to larger hotel provision.
- 5.11 Whilst located in York city centre, Rougier Street is not identified as a primary or secondary shopping area. Local plan policy R1 (Retail Hierarchy and sequential approach) directs main town centre uses (including hotels) to the city, district and local centres, and the development is appropriate in the city centre and will play a part in supporting the economic wellbeing and vibrancy of the city centre.
- 5.12 The site is located within the city centre, which is a sustainable and accessible location, and along with its ancillary bar and restaurant will likely generate activity though the day and into the evening, contributing to a strong evening economy. The proposal is considered to comply with the requirements of LP policies SS3 and EC4. Consideration of the re-use and adaption, and demolition of the building
- 5.13 The proposals involve the complete demolition of the existing building, however, officers have requested that the potential for re-use of the building is also considered, for sustainable construction reasons. Historic England have outlined that the most sustainable building is one which already exists, and that the LPA should be satisfied that it is not possible for the building to be adapted and reused, before being minded to accept the demolition and loss of the embodied carbon within the building.
- 5.14 Northern House is a vacant office building. It had been occupied primarily by companies involved in the rail sector. The last tenants left in June 2024. It was constructed in the 1960s and was subject to refurbishment in 2006. The primary structural frame for the building is a concrete beam and column arrangement. Internally it is predominately open plan layout with demountable partition walling. At seven storeys in height, it provides circa 6,000ml. The circulation core is positioned at one end of the building meaning that floor plates cannot be divided and are large.
- 5.15 The application is supported by an Adaptation and Demolition Statement (January 2023) prepared by KPP Architects and Structural Investigation Report by

JPG (October 2023). The marketing report assesses the office accommodation at the lower end of Grade B.

- 5.16 The applicant sets out the following key points in respect to the general condition of the building:
  - exposed concrete columns are showing signs of cracking/spalling in several areas. Given its age this type of defect will only get progressively worse
  - patch repairs appear to be deteriorating and do not appear to rectify the underlying issue, only repair the damaged concrete
  - building approaching, or already exceeded its original design life; would need extensive remedial repair to remain serviceable
  - building is already overloaded beyond its capacity
- 5.17 In terms of its unsuitability for re-use, the adaption and demolition statement provide the following:
  - raised ground floor likely needs removal of 1<sup>st</sup> floor to make suitable usable height
  - existing down stand beams imped service distribution for upper floors
  - narrowing existing floorplate and awkward internal layout and negative impact on windows
  - result in shortfall of 20 (bedroom) units compared to proposal (circa 14%)
- 5.18 Additionally, it is noted that any change of use would have to meet the requirements of current Building Regulations in the same way as a newly constructed building would. In terms of retrospectively introducing sufficient measures to achieve BR approval, the applicant states that that would not be practical.
- 5.19 Further, the applicant's Market Report (by CBRE) considers the building, in terms of market attractiveness of the building, including:
  - EPC rating is C- falls below modern requirements; most office occupiers require EPC B rating as a minimum
  - building is currently gas powered office occupiers focus on all-electric buildings to achieve sustainability goals
  - M&E is coming to the end of its lifecycle (typical lifecycle in offices is 15years refurbishment undertaken in 2006 so over 19years ago); its maintenance will result in rising service costs to keep building operational
  - workplace environment emphasis on design quality, sustainability, amenities and wellness (key features which are not provided by Northern

House – reception/business lounge, shared meeting space, outdoor space/terraces, fitness facilities, zoom booths, high-end shower facilities, cycle storage)

5.20 Other matters regarding carbon impacts and heritage impacts arising from the demolition of the building are covered elsewhere in this report.

#### Design

- 5.21 Policy D1 Placemaking outlines that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significance of the historic environment. The policy outlines a number of detailed design points that development proposals should adhere to and include i. urban structure and grain; ii. density and massing; iii. streets and spaces; iv. building heights and views; v. character and design standards. Taking each detailed design point in turn, the development proposals have been assessed against each of these:
- <u>- Urban structure and grain</u> development proposals are required to enhance, respect and complement the historic arrangement of streets blocks, plots and buildings.
- 5.22 The application site is landlocked, occupying the full extent of the existing plot that sits between 15 Rougier Street, Rougier House (No. 5 Rougier Street) and the Aviva building, along with access via Tanners Moat and Tanner Street. The existing building primarily occupies the front part of the block, with the current building flush with Rougier Street. The rear part of the block is given to vehicular parking.
- 5.23 The building will predominately remain occupying a similar position within the block, although the building has been set back from Rougier Street by 0.5m and pulled away from Rougier House by 1m, to retain some separation with its neighbours. The proposed building is however wider than the existing ground floor of Northern House as well as providing a single storey annex that will form a grill and terrace that will occupy part of the rear of the site, which is currently undeveloped. The remaining area will be primarily used for taxi drop-off and valet parking.
- 5.24 A courtyard study has been provided which helps to demonstrate how the rear space is intended to be improved, to ensures that it provide a valued semi-private space. The courtyard will be set down 1.7m from ground floor level and softened by perimeter planting and trellis. A rooflight has been added to the single storey

annexe, meaning it will benefit from an animated roof from daylight, as well as adding architectural interest to the structure.

- <u>Density and massing</u> development proposals are required to demonstrate that the proposed massing and density of a development will be appropriate for its proposed use and neighbouring context. Consideration should also be given to the combined effect of development does not dominate the wider setting, including buildings and spaces, playing particular attention to those of historic significance.
- 5.25 The proposed building's layout requires a plinth to set ground floor above flood level. The is visibly more pronounced on the western side of the building as the pavement dips.
- 5.26 The Design and Conservation Manager outlines that the proposed building positively recreates the podium design principle of the existing building, albeit less successfully than the existing because the main facade is less set back. The upper floors of the proposal are considerably wider than the existing building. It is made clear however that a proposal should normally be judged on its own merits, and normally existing buildings are not an absolute comparator when assessing suitability. However, in this case the street is sensitive to building width because the site is close to existing tall buildings on both sides. Any narrowing of street enclosure would quickly have negative impacts on the general oppressiveness of the street and impact on daylight and possibly wind, if replacement proposals are of similar height.
- 5.27 The proposed building successfully adds massing projections and recesses into the ends of the building to reduce a blunt end appearance.
- 5.28 There has been some work undertaken by the applicants to address matters regarding how the building feels negatively bulkier and more oppressive than existing. The applicants have updated the elevations with the building height reduced overall by 900mm by reducing the floor-to-floor heights. The number of floors remain the same. It is noted that the building width is governed in some respects by the hotel use, which generally requires a central corridor and is difficult to alter.
- Streets and Spaces development proposals shall seek to promote ease of public pedestrian and cyclist movement, are designed to improve the quality of the public realm and wider environment for all. Development proposals that provide opportunities to promote the enhancement of, or creation of, public space will be supported.
- 5.29 It has been outlined above that there will be a semi-private courtyard area, which is an improvement on the existing building. The applicant also indicates that the restaurant/bar areas within the building are not exclusive areas for overnight

guests. This will complement private terrace areas located within the upper floors of the building.

- 5.30 Given the position of the building within the street and wider block, it is acknowledged that there are limited opportunities to create public spaces, however there will be improvements to the animation of the street and pedestrian environment along Rougier Street; further assessment is provided below, in this regard.
- Building heights and views development proposals should respect York's skyline by ensuring that development does not detract from the visual dominance of the Minster or harm the city centre roofspace. Additionally, development proposal should respect and enhance the views of landmark buildings and important vistas.
- 5.31 Part Two (Management Strategy) of the YCHCCA (Section 5.8 Views and Building Heights) identifies that York has a skyline that has been little altered by the 20<sup>th</sup> century, which makes it special and fragile. The challenge for its management is to safeguard its key characteristics without hindering development and economic growth. The YCHCCA appraisal outlines that within the historic core the vast majority of buildings are no higher than four storeys and to conserve this, any future development that exceeds the prevailing height of buildings in the Conservation Area should be exceptional. However, there are two exceptions to this and one exception which relates to this proposed development includes existing clusters of taller buildings north of Tanner Row. The Tanner Row cluster ranges from six to eight storeys of commercial property and does not detract significantly from any key view.
- 5.32 Additionally, within the Character Area 22: Railway Area appraisal (p421) it identifies this character area as potentially accommodating taller buildings because they are already part of the existing character and relatively rare in the city. The main issues are the height, design and relationship to the street of buildings in sensitive locations (e.g. next to the wall or river) and the impact on views.
- 5.33 With the above in mind, the building is designed broadly in line with the height of the existing Northern House building. This includes a plinth level, which is otherwise not provided and is to accommodate flood levels. The elevations have been further updated with the building height reduced overall by 900mm by reducing the floor-to-floor height. The number of floors remain the same.
- 5.34 The application is supported by a Townscape and Visual Impact Assessment (TIVA) by Montagu Evans (Nov 2024). In distant views, the similarity of the building height results in the impact of the building being largely neutral in the wider vista.
- 5.35 In regard to more main views (identified as 5 (from the City Walls towards Rougier Street), 6 (Station Road, to All Saints), 7 (towards the City Walls from Application Reference Number: 24/02021/FULM Item No: 5a

Rougier Street) and 8 (Wellington Row)) in the TVIA the impacts of the revised design changes are similar, which is assessed as the building feeling negatively bulkier and more oppressive than the existing. The Design and Conservation Manager outlines that the immediate townscape impacts are slightly negative and result in a minor objection on design grounds. Officers note that the wider floorplate is a pragmatic necessity of this use, with the requirement for a central hotel corridor.

5.36 The single storey annexe and the alterations to the rear has resulted in view (no. 6 of the TIVA) to All Saints Church from Tanners Moat/Station Road is slightly reduced and more impactful as the building has got wider, although this is limited to ground floor only and no objections have been raised to this from the Council's Design and Conservation Manager.

#### - Character and Design Standards

- Not a pale imitation of past architectural styles
- Appropriate building materials
- 5.37 The proposed building intentionally replicates the podium design of the existing Northern House building, as this approach is successful because of the close proximity to existing tall buildings on both sides.
- 5.38 The design reflects the industrial look of the Dakota brand, although adapted to complement the York setting. The proposed building will be constructed with external materials comprising of red brick piers and decorative panels. Metal clad frieze bronze panels window details and surrounds, with a banding along the top parapet.
- 5.39 Historic England have outlined that the historic design aesthetic proposed is not considered harmful in principle, as this can be seen to draw on the historic built character of the area, as are the proposed red brick elevations. The applicant states that the industrial warehouse brand has been adapted to complement the York setting (Planning Statement, para. 4.2), however Historic England raise that they are unable to see the assessment or analysis which has been used to substantiate this statement.
- 5.40 The applicant's assertion in this regard relates to the evolvement of the design through pre-application engagement and subsequently into the planning application. The Dakota Hotel brand has a specific trademark, which in part is dictated by the palette of materials, which include a more anthracite/coal colour scheme. The conservation area character appraisal relating to the Railway Area outlines that the area has a variety of building ages, architectural styles and materials. There are 19<sup>th</sup> century railway buildings in both red and buff brick, post war buildings in a modernist style with combinations of buff brick, limestone ashlar, concrete and glass. Beyond this, there is no further assessment or analysis to ascertain or dictate what the York setting would comprise of, however it is agreed that anthracite brick would not be it.

The red brick elevations along with the industrial warehouse aesthetic is considered appropriate in this setting.

- 5.41 In addition, the Council's Design and Conservation Team Manager has welcomed the architectural bay study drawing that has been submitted, although recommends a greater window reveal steps of up to 200mm, rather than the 20mm 100mm shown. A condition is recommended requiring details of a greater window reveal steps.
- Highest standards of accessibility and inclusion
- 5.42 The applicant has addressed matters concerning accessibility and safe and inclusive use of the building by all users, particularly those with disabilities with an access statement (November 2024).
- 5.43 From Rougier Street the building can be accessed via steps which will also contain a recessed concealed platform into the steps. To the rear, from the courtyard there is a wheelchair platform lift and low-rise stepped access. The back-to-back entrances helpfully arrive the visitor at the same place and disabled access is provided for on both building approaches. The courtyard will provide an accessible parking space (with EV charging), although a valet parking will be operated.
- 5.44 Within the building consideration has been given to accessible reception areas, toilets and 6 accessible bedrooms arranged over floors 1-6.
- Integrate car parking and servicing within the design of development so as not to dominate the street scene
- 5.45 Limited parking (2no. spaces) are to be provided in the courtyard area, with access utilising an existing access off Tanners Moat. Servicing will be undertaken from Tanner Street, in the same manner as existing. Further assessment is provided below within the relevant highway section of the report.
- Create active frontages to public streets, spaces and waterways
- 5.46 The current Northern House building is flush with the pavement, with a stallriser with large expanse windows running along the full length of the frontage (58m approx.). There is no break from the glass other than pilasters at regular intervals, nor is there any variation or staggered nature of the frontage. As an office use, there is no further animation of the street.
- 5.47 The current proposal seeks to provide a more staggered and animated frontage. To the west, the building seeks to part visually animate the street thorough a set back at ground floor level, with hotel visitor experience, including reception/lounge, lift lobby and bar and associated external terrace area (which is

enclosed to the street). The upper floors of these areas at first and second floors provide a projection over the ground floor. Beyond there is an open area (free from overhead structures), providing tree planting which will be level with the pavement (subject to soil / soft bed levels). On the eastern side, the building then projects, with a two-storey projection, that meets the pavement, in a similar manner to the existing building. The projection will provide BOH staff facilities at ground floor level. This will partly be adjacent to the bus shelter currently positioned on Rougier Street.

- 5.48 Whilst the ground floor is not fully animated at street level, it is much improved from the existing arrangement, taking account the increase to set the ground floor above flood level and how the uses are to be provided and arranged within the building.
- Create buildings and spaces that are fit for purpose but are adaptable to respond to change
- 5.49 The building has been designed primarily to accommodate a hotel use, which has certain requirements it needs to provide, such as servicing/BOH, bar/restaurant, core/ central corridor areas. It is acknowledged that these would make it difficult to alter the use of the building. However, some elements, cores and central corridors are interchangeable with residential (flatted) schemes.
- Design considers residential amenity
- 5.50 The site is predominately within a commercial area, however No. 15 Rougier Street which adjoins the application site is a residential property. The arrangement of the building with the application site is such that there would be limited impact on residential amenity, given its position and orientation. The applicant has submitted a daylight and sunlight assessment (by Amstey Horne) which assesses the impact of the proposed building on existing residential properties and concludes that any losses would not be significant.
- Other design matters advertisements
- 5.51 The elevations include 'Dakota' branding on the Rougier Street (southern) and Tanners Moat (western) elevations. On the Rougier Street elevation the 'Dakota' branding will be positioned on the bronze cladding above the main entrance.
- 5.52 On the Tanners Moat elevation, the Dakota branding is positioned at high level on the bronze cladding. The applicant's design update (Feb 2025) provides an argument that the high-level signage is based on historic precedent and required for wayfinding, particularly for those coming from the Station. High level branding is not normally permitted, because of future cumulative impacts and it is not typical of the current character of the area. Branding is usually only used for low level wayfinding and entrances.

5.53 The Council's Design and Conservation Manager has outlined that high level sign could be supported for architectural decorative purposes, as it is quite small compared to the bulk of the building, rather than wayfinding, which as a reasoning is not accepted here. If it was needed then by extension all other buildings in the city centre that aren't tall have irreconcilable wayfinding problems, which isn't the case.

#### - Other design matters - lighting

5.55 Previous elevations included external lighting, which generally comprised of a mix of up and down lighters on three facades of the building; the Rougier Street (southern), Tanners Moat (western) and northern elevations and were positioned at first and third floor levels. Only building lighting for pavement wayfinding is generally accepted (i.e. usually ground and first floor). It is welcomed that the lighting has been removed from the proposals, with consideration that this matter can be dealt with through conditions, where the environmental and ecological impact of the proposed lighting can also be considered.

#### - Conclusion on design

5.56 Having considered the detailed design points that development proposals are assessed against, it is clear that, on balance, the proposal will improve the existing urban environment; there will be a more staggered and animated frontage which will help to animate the street and to complement and enhance the activity that is likely to be generated throughout the day and into the evening, contributing to the sense of place. The amendments have seen the building pulled back from Rougier Street and away from Rougier House (No. 5 Rougier Street) which respects the historic arrangement of the street and block that the site sits within. The design positively recreates the podium design, which works well in this location on a sensitive street where existing tall buildings are in close proximity. The building is similar in height to the existing buildings, with a further reduction to its height overall by 900mm by reducing the floor-to-floor height. The building also incorporates a plinth to accommodate flood levels.

5.57 An assessment of the proposed building in views has been undertaken, and it is not considered that it will detract from the visual dominance of the Minster nor the wider city centre roofscape. However, despite the positives identified above, the increase in the width of the building, particularly at the ground floor level with the single storey extension and annexe, and the wider floorplate being somewhat of a necessity of the hotel use, creates immediate townscape impacts due to the narrowing building separation on Rougier Street. There are minor design impacts but overall, the application is considered to generally accord with Local Plan policy D1 and SS3, particularly parts i. and ii.

#### Heritage

- 5.58 There are a number of relevant Local Plan policies that consider heritage impacts, including D1 (Placemaking), D4 (Conservation Areas), D5 Listed Buildings. Consideration is also given to the NPPF, Section 16 Conserving and enhancing the historic environment.
- 5.59 Local Plan policy D5 (Listed Buildings) states that proposals affecting a Listed Building, or its setting will be supported where they i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting, ii. help to secure a sustainable future for a building at risk. Harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.
- 5.60 Local Plan policy D4 (Conservation Areas) sets out that development proposals within or affecting the setting of a conservation area will be supported where they: i. are designed to preserve or enhance those elements which contribute to the character or appearance of the conservation area; ii. would enhance or better reveal its significance; and iii. safeguard important views guided by existing evidence, including in the YCHCCA appraisal, and other local views.
- 5.61 Paragraph 210 of the NPPF sets out that LPAs should take account of the following when determining applications:
  - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 5.62 Further paragraph 219 of the NPPF outlines that LPAs should look for opportunities for new development within conservation areas and within the setting of heritage assets, to better reveal their significance. Proposals that preserve those elements of the setting which make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 5.63 The NPPF makes a distinction between proposals which cause 'substantial harm' to a designated heritage asset (para.214) and those which lead to 'less than substantial harm' (para. 215). Different public benefit tests are applied accordingly.
- Listed Buildings
- 5.64 NPPF paragraph 208 outlines that LPAs should identify and asses 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 into

account the available evidence and 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's asset's conservation and any aspect of the proposal.

- 5.65 Northern House is an unlisted building. The site abuts No. 15-17 Rougier Street which are Grade II listed buildings. There are additional Grade II and II\* listed buildings on Tanner Row and George Hudson Street. All Saints Church on North Street is Grade I listed.
- 5.66 No's 15-17 Rougier Street derive historical value from being the last surviving remnants of a once larger area of terraced houses, built around the same time as York's first railway station in 1842/43. These buildings appeared to be constructed in a style indicative of high status, contrasting to the Leeman Road area, where more basic housing was built for railway workers. Rougier Street was mostly demolished by the 1960s, leaving only these properties standing. The buildings are recorded in the York report from the Royal Commission on the Historic Monuments of England. No. 15 remains as a house which contributes historical significance.
- 5.67 The proposal includes a mews style covered/bridged opening as building entrance at ground level to handle dramatic scale transitions between old and new. This is architecturally better than the current more direct attachment and gives some domestic scale and textured articulation, albeit it is not a historic pattern. The setting however has been mostly lost for these buildings although they would still be read as terraced houses, and therefore no further harm would result, and the relationship is arguably architecturally better.
- 5.68 In terms of the impacts upon the other listed buildings arising from the proposed development, will be assessed primarily in terms of its impacts in views, particularly from/to the City Walls, Clifford's Tower and the Church of All Saints. The application is supported by a supported by a Townscape and Visual Impact Assessment (TIVA) by Montagu Evans (Nov 2024), which provides an Accurate Visual Representation (AVRs) and some of those views have been discussed in the design section of this report.
- 5.69 Historic England advise that if design modifications were sought to achieve a more elegant, narrower form this also help to maintain views between heritage assets, for example from the City Walls and Clifford's Tower to the spire of the Grade I listed Church of All Saints.
- 5.70 Taking the views from the City Walls, views no. 5 (City Walls/Rougier Street) and 6 (Station Road) have been provided by the applicant. View 5 is a more southern position, and in both existing and proposed views, the view to the spire of Church of All Saints is not visible. Moving northwards, along Station Road and

following the City Walls, view 6 demonstrates that the spire comes into view, via Tanners Moat.

- 5.71 It has already been highlighted that the single storey annexe and the alterations to the rear has resulted in the view to All Saints Church to be slightly reduced and more impactful as the building has got wider, but there is also a potential improvement by the removal of the existing vehicle ramp. The impact however is limited to the ground floor only.
- 5.72 In respect to the second view from Clifford's Tower to the Church of All Saints, views from Clifford's Tower are identified in section 5.8 (Views and Building Heights) of the YCHCCA appraisal (key reference 16: Clifford's Tower), however it does not specifically highlight the particular direction to All Saints Church. The proposed building would sit behind the church, and with the increase in the width of the building, the building would be more prominent as it directly sits behind the spire within this view albeit the church spire would still be at the foreground. There are also other larger/taller buildings within this view, given the cluster of larger buildings within this part of the conservation area.

#### - Conservation Area

- 5.73 Northern House is located within Character Area 22: Railway Area of the York Central Historic Core Conservation Area (YCHCCA), where the railway has had a major impact upon the character of the area. It abuts character area 21: Micklegate to the west, with Tanner Row appearing to form the boundary between the two areas.
- 5.74 The YCHCCA highlights that the 1960s was a defining era for the area, with the removal of the railway sidings from the old station in 1965 and the demolition of buildings along North Street. Additionally, it outlines that Rougier Street is busy with workers and polluted throughout the day because of the many bus stands. The significance of this part of the conservation area lies in its historical, aesthetic and communal values generated from the impact of the railway in this part of the city.
- 5.75 The appraisal specifically references Northern House as a detractor in the conservation area appraisal explaining that it 'detracts from the area for reasons of design, mass, material or position....Northern House on Rougier Street is rather bleak. Its design is not orientated to the take into account the visitor approach from the station'.
- 5.76 The Design and Conservation Manager explains that the comment made about visitor experience is interpreted here as relating to the anonymous nature of building entrances on Rougier St that don't capitalise on the importance of the station to city visitor route. This facade anonymity plus impacts of heavy vehicle traffic on Rougier

St, makes a poor pedestrian experience for those passing the building on Rougier St.

- 5.77 However, the existing building on site does have some positive design features that could inform the design of a potential replacement. These are identified here as:
  - i. The incorporation of a genuine podium as part of massing strategy providing a well-proportioned street level component that is meaningfully comparable to the scale of adjacent remaining fragments of an older street type including listed 15 17 Rougier St.
  - ii. The tower above it is set back about 6m from the podium facing Rougier St and is slim and relatively elegant.
  - iii. In being set back from both sides of the plot it aids daylight onto Rougier St and its height is less apparent in the street scene. Without this strategy Rougier St would appear more oppressive.
  - iv. The building is also relatively modest in expression, so whilst relatively large it is not disproportionately attracting attention to its height.
- 5.78 Whilst these features are identified, the proposed demolition of the building is not objected to on architectural merit grounds.
- 5.79 In terms of the replacement building, its design qualities have been identified above in the former section of report. The YCHCCA character area 22 (Railway Area) appraisal identifies that large buildings can be accommodated in this area as it is at a lower level than the commercial centre. The appraisal also states that they are already part of the existing character; the main issues however are the height, design and relationship to the street of the buildings in sensitive locations (e.g. next to the wall or river) and the impact on views.
- 5.80 The proposed new building is similar in height and length to Northern House, the building that it will replace. It is deeper (about approx. 5m) and is assessed by Historic England that this creates a significantly bulkier overall form and potentially causing an uncharacteristic canyon effect along Rougier Street. A wider building, in Historic England's view, would have a harmful impact on the character and appearance of the conservation area.
- 5.81 Historic England outline that the proposed building attempts to replicate the podium elements of the current building, but they are much shallower in form and fail to achieve the important definition of the existing elements. They suggest that modifications are sought to achieve a more elegant, narrower form to help improve the character of the street scene and better maintain views between heritage assets.
- 5.82 Officers consider that the proposed building positively recreates the podium design principle of the existing building, which serve to transition the building down and lower levels to a more domestic scale. The upper floors of the proposed building are wider than the existing building. The building however has been further set back

from the street and a canyon effect would be avoided, thus having no harmful impact upon the character and appearance of the conservation area.

- 5.83 Consideration, particularly in regard to the impact on this part of the conservation area is given to the relationship of the building to the street; there will be an improvement through the creation of an active frontage, which will assist in improving the visitor approach from the station, and encourage family and late-night activities, that complement those already within area.
- 5.84 Given the character (Railway Area) of this part of the YCHCCA and the revisions made to the design of the replacement building, the proposal is assessed as achieving the opportunities presented in conservation areas, in respect of accommodating a larger building and providing in part at least, an active frontage. As such, the proposal is considered to preserve or enhance those elements which contribute to the character or appearance of the conservation area.
- Conclusion of harm to heritage assets
- 5.85 The proposal is therefore considered to result in a neutral impact on the character and appearance of the conservation area. In respect to the adjacent and surrounding listed buildings, namely No. 15 Rougier Street and All Saints Church, the proposal will preserve their features of special architectural or historic interest which they possess. As such, given the neutral impact to the significance of the designated heritage assets, in this instance the YCHCCA and the listed buildings, there is no harm arising from the proposed development and the harm does not need to be weighed against the public benefits of the proposal in line with paras. 214 or 215 of the NPPF.

## **Archaeology**

- 5.86 Northern House lies within the York Central Area of Archaeological Importance. It occupies part of the Roman Colonia, the civilian settlement of Roman York. The Colonia status was the highest level of administrative position with the Roman Empire.
- 5.87 Paragraph 213 of the NPPF includes footnote 75 which states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets. Paragraph 213 b) states that substantial harm to or loss of assets of the highest significance (including scheduled monuments) should be wholly exceptional. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.88 Local Plan policy D6 (Archaeology) will support development proposals where ii. they will not result in harm to an element which contributes to the significance or setting of a Schedule Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled monument or other nationally important remains will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

5.89 The sub-surface archaeological features and deposits within the historic core of the City of York Council are designated as an Area of Archaeological Importance; the vast majority of these archaeological deposits are of equivalent significance to scheduled monuments. Within the historic core, substantial harm is defined as greater than 5% disturbance to buried archaeological deposits through foundation design and infrastructure development (York Development and Archaeology Study, 1990).

#### Previous archaeological investigations

5.90 There have been a number of excavations in the immediate environs in the 1960s, 80 and 90s which demonstrate the potential for well-preserved, stratified archaeological deposits dating from the Roman-Post-medieval period. Many of the deposits here are waterlogged.

5.91 Further recent investigations when the building was still in use (comprising of a desk-based assessment, borehole survey and hydrological monitoring) took place in 2018-19. Latterly, in Dec 2024/January 2025 York Archaeology carried out a borehole survey and programme of trenching within the vacant building.

- Archaeological resource results
- 5.92 The evaluation has helped to understand more clearly the character and state of preservation of the archaeological resource is across the footprint of Rougier House:
- a zone of post-medieval garden soil and the remains of 19<sup>th</sup> century buildings beneath the concrete floor to a depth of c.2m 8.10m AOD)
- this sits on top of a 13<sup>th</sup> -15<sup>th</sup> century occupation layer 6.75-8.10m AOD previously characterised as rear tenement plots including rubbish pits
- this zone does contain saturated deposits as it is within the capillary zone of the water table
- the fully waterlogged layer (c.6m AOD) is largely within Roman levels but it has now been proved that is does not extend into later deposits

- Roman archaeology was not reached in the trenches but presented itself in the boreholes as highly organic silt including pottery and very well-preserved leather cut-offs. Glacial deposits lay beneath this level below 6.5 AOD.
- 5.93 Hydrological monitoring (2019) Throughout the 8-month monitoring period the water table remained at c.6m AOD (in line with data collected in 1981). The deposits are hydrologically connected to the River Ouse.

#### Impact of proposals

- 5.94 This application is accompanied by an evaluation report and updated archaeological statement (May 2025), and a detailed foundation design has now been submitted. This summarises all works and outlines the anticipated impacts of the proposed scheme. The below-ground impacts of the proposed development on the archaeological deposits on the site will be:
  - foundations insertion of new pile foundations including pile caps and ground beams
  - drainage and attenuation
  - electrical sub-station and connections
  - deeper areas of disturbance within two circulation cores
  - crane base
  - potential impact on groundwater movement/drying out of deposits using piles through anoxic deposits
- 5.95 It is expected that formation levels for the new build will be similar in impact depth to the extant building. The finished floor levels will be raised in line with flood resilience policies. This will aid the protection of the medieval and older deposits.
- 5.96 The sub-station appears on the proposed plan to be in the same location as the existing which will limit its archaeological impact. The ground beams, pile caps, attenuation tanks and sub-station will be constructed within the 2m of low archaeological significance.
- 5.97 The greatest impacts of the scheme will relate to excavation of circulation cores, crane base and creation of new piled foundations which will penetrate the dry medieval occupation layers.
- <u>5.98 Piling and preservation</u> The Council's Archaeologist advises that the impact of piling and the harm to the longer-term preservation of organic archaeological deposits on the site remains uncertain. This is the case across all developments using piled foundations in waterlogged areas within the city. However, the site is known to contain Roman waterlogged archaeological deposits which are of the highest significance.

- 5.99 Piling as part of this development will penetrate any surviving archaeology dating from the medieval- Roman periods, impacting levels of high archaeological importance.
- 5.100 Historic England in their initial consultation response (December 24) outlined that their guidance explains that different types of piles have different impacts, and the proposed pile type has not been identified by the developer. They would also expect an assessment of the accumulative impact of successive redevelopment and would expect to see some indication that the existing plans have been assessed for their re-use potential. A further consultation response (June 25) from Historic England, which follows the submission of the Updated Archaeological Statement, general arrangement of foundations drawing and a pile schedule, argues that the existing and proposed pile arrangements shows a 20% increase in the number of piles, thereby increasing the harm to significance, with no clear justification. Additionally, they continue to outline that in their opinion, there is no evidence in support of the statement that the existing pile arrangement cannot be re-used.
- 5.101 The applicant has outlined (para. 3.7 of the Updated Archaeological Statement Ver 1.03 May 25) that consideration has been given to the re-use of the existing piles. The re-use of the existing piles has been discounted because the structural integrity and future load-bearing capacity of the piles is unknown. It is not possible at this stage to physically test the integrity of the piles until demolition has taken place. The application concerns development involving demolition as well as the construction of a replacement building, and it would be unreasonable to withhold the construction of the replacement hotel, where it achieves sustainable development, and the impact of the new piles accords with policy requirements. Additionally, the applicant cites that the above ground building clearly exhibits structural issues; the current building/structure is not suitable for a change of use and has exceeded its original design life and thus the combination of the unknown condition of the piles means that the piles cannot be re-used for the new development. The applicant further outlines that the use of the piles in the new development could potentially have an adverse impact on funding and warranties for the applicants ('Consideration of Adaption of Northern House, York into a Dakota hotel', by KPP (undated)).
- 5.102 It is the applicant's intention to leave the piles in situ to prevent further disturbance. The existing pile locations have been transposed onto the foundation plan and plotted using evidence from the extant structure. The foundation design does not cut off the site from the river.
- 5.103 Whilst the above justification has been provided in relation to the existing piles, the Council's Archaeologist has recommended that they would still encourage further investigation of the existing piles to take place following demolition, although this is not reiterated in any suggested conditions. However, the applicant outlines that the pile design has been produced for tender purposes and represents the final

version and indicates that there will be no further substantive revision of the pile design and that the plan constitutes a fixed foundation plan.

- 5.104 Early archaeological statements/evaluations outlined that foundation design consisted of approximately 154 new piles. The latest Updated Archaeological Statement (Ver 1.03, May 25) which contains a more detailed foundation design, pile layout details and pile schedule outlines that the foundation design will consist of 183 new bored-in-situ piles between 450 600mm. The applicant outlines that the additional piles on the that are required for the tower crane, reflecting optimised load-bearing needs.
- 5.105 The intrusive elements, which are assessed as impacting below 8.1m AOD have been calculated as having an impact of 4.18% on archaeological deposits. This has been further broken down as 4.18% destruction (area) in medieval, dry zone 8.1m-7.6m AOD to accommodate circulation cores and crane base. The potentially nationally significant, deeper, Roman, waterlogged deposits impacted by pile only, will be impacted by less than 2% based on area. As such, it is assessed that the total impacts below 8.1m to be just over 2% in terms of volume. Overall, no more than 95% of significant deposits remain undisturbed.
- 5.106 Whilst the significance of the archaeological interests is high, it is concluded that the impact of the foundations will not lead to a greater than 5% disturbance, in line with Local Plan policy D6. Further harmful impacts upon archaeological deposits could be mitigated, through the use of planning conditions requiring, adding to the data set for future policy consideration. In addition, where any impact is deeper than 8.1m AOD archaeological excavation is required with archaeological monitoring taking place on shallower areas of disturbance.
- 5.107 The scale of harm to the significance on archaeological features and deposits is considered to result in less than substantial. NPPF paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The assessment of the harm to the significance of a designated heritage asset weighed against the public benefits of the proposal is considered towards the end of this report.

## Landscaping

5.108 Local Plan paragraph 8.15 of the explanation to policy D2 (Landscape and Setting) outlines that the term 'landscape' includes both the built and open landscapes of the urban, suburban, and rural environment, streetscapes and roofscapes. Development proposals will be encouraged and supported whey they ii. protect and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities.

- iv. create or utilise opportunities to enhance the public use and enjoyment of existing proposed streets and open spaces.
- 5.109 Local Plan policy G14 (Trees and Hedgerows) covers the retention of hedgerows, trees and overall tree cover where they are of significant landscape, amenity, nature conservation or cultural value. Of particular note, sub section v. requires development to supplement the city's tree stock with new tree planting where an integrated landscape scheme is required.
- 5.110 The proposed development offers no additional public realm and the landscaping is perfunctory to the main development proposal. The proposed hotel development occupies the majority of the site, following the occupation of the site by the current building, Northern House. No objections have been raised from the Council's Landscape Architect to the revised landscaping proposals noting that the public realm and street scene is extremely limited and overall, the planting plan is appropriate.
- 5.111 The current proposal seeks to provide a more staggered frontage and in doing so there is an open area (free from overhead structures) in a central position, providing three street trees planted within a soft bed and would be generally level with the pavement (subject to soil / soft bed levels). The applicants have followed the Landscape Architect's advice to provide these trees as tall fastigiate trees so that they will have a bigger impact on the street scene, have a looser form, in contrast to the clipped topiary hedges and building façade and a variety that would not require regular clipping, without detrimentally impacting the formality of the overall design intention.
- 5.112 Three other trees are shown to be planted within a pavement and located below the projection of first and second floors. This arrangement will facilitate them being effectively maintained like indoor plants with restricted light and water, limiting their size and contribution to the street scene. It has been clarified that these trees are identified as clipped dome topiary intended as sculptural elements suitable under the overhead canopy. The applicant has outlined that planting in this location is unviable and unsustainable option with any trees in this location would be unable to thrive to their full potential due to restricted height, light and irrigation and could ultimately lead to a lower quality streetscape which has guided the applicant's strategy.
- 5.113 Officers note that highways officers have suggested that cycle parking is provided in this area, under the projection, in expense of the trees. Officers consider that whilst this location offers an undercover area for bike storage and directly off the public highway, it would not be fully observed from within the building. Additionally, given the enhancements to the urban streetscape from the provision of these trees and landscape features, this provision weighs more heavily in favour, noting that there are suitable alternatives for bike storage within the development and further

compensatory trees/landscape enhancements could not be achieved due to the constrained nature of the site and the proposed development.

- 5.114 In respect to the growing medium available to the proposed trees/shrubs around the perimeter of the rear parking courtyard, the applicant has set out that the vehicle tracking analysis demonstrates that this is a tight space for vehicle manoeuvrability, resulting in little rom of any in-ground planting. The strategy of having small pots with topiary trees is therefore accepted.
- 5.115 The proposed building has a number of roof terraces; however, these are generally quite small so would not accommodate much greenery. Raised planter beds for the terraces will be used to accommodate ornamental grasses and clipped evergreen hedge.
- 5.116 The Landscape Architect has recommended that details for tree pits, planters and raised beds are to be required under pre-commencement condition.
- 5.117 Given the existing building occupies the full extent of the site and contains no landscape features. The proposed development that incorporates street trees, other appropriate plants will be incorporated in planters and positioned in appropriate locations to full take advantage of the features of the proposed development. The proposed development is considered to make a positive contribution to the landscape quality of this urban streetscape. As such, the proposal satisfies with policy D2 of the Local Plan.

#### **Ecology**

5.118 Local Plan policy GI2 (Biodiversity and Access to Nature) seeks to conserve and enhance all sites and areas of biodiversity value. During pre-application discussions the Council's Ecologist outlined that they did not anticipate a significant amount of ecological constraints associated with this proposal, however the building should be subject to ecological assessments to ensure that protected species, including bats and nesting birds are given due consideration.

# - Protected Species

5.119 The application is supported by a Preliminary Ecological Appraisal (PEA) undertaken by Envirotech (dated October 2024). The report concludes that bats were not recorded roosting on or near the site and it has a very low foraging and negligible roosting potential. Low numbers of common bat species may forage near the site to the river corridor adjacent. No nesting birds were recorded and the potential for use of the site for nesting is negligible. There were no plant species assemblages recorded at the site. It was outlined that there were no other notable or protected species recorded on the site.

- 5.120 However, despite the above conclusions of the PEA, the Council's Ecologist recommends that ecological enhancements are provided, which shall be in the form of bird/bat boxes installed on the building. It is noted that the lighting proposals have been removed from the proposed elevations and these matters can be dealt with through a planning condition. The Council's Ecologist has requested that any condition relating to lighting details also considers the lighting details in respect to preventing unnecessary light spill to light sensitive species including bats.
- Site of Interest for Nature Conservation (SINC) candidate
- 5.121 The site does not sit within or alongside any statutory or non-statutory wildlife sites. Northern House however is located approximately 80m to the southwest of the River Ouse candidate Site of Interest for Nature Conservation (SINC).
- 5.122 A Construction Environmental Management Plan (CEMP: Biodiversity) has been provided and shall be used to safeguard the river habitat during the construction phase of the development.
- Biodiversity Net Gain (BNG)
- 5.123 The site does not support any 'green' habitat and as such it is classified as a 'sealed surface' within the BNG metric and the application has a baseline value of zero. Given this, the application site has been assessed as falling within one of the exemptions from the statutory requirement to provide 10% BNG under the Environment Act 2021.

# **Highways and access**

- 5.124 Local Plan policy T1 (Sustainable Access) seeks to minimise the need to travel and provide a safe, suitable and attractive access for all users to it and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.
- 5.125 Paragraph 117 of the NPPF provide further details that development proposals should consider, and include:
- a) Give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas, and second, as far as possible facilitate access to high quality public transport, with layouts that maximise the catchment are for bus and other public transport services, and appropriate facilities that encourage public transport use;
- 5.126 The site is located within the city centre, with Rougier Street having been the subject to highway improvement works to provide bus stop improvements to create a central bus interchange, particularly on the northern bound carriageway.

Additionally, the site is within 800m walking distance of York railway station. As such, it is considered that pedestrian and cycle movements are well catered for by the development, along with facilitating access to high quality public transport facilities.

- 5.127 Cycle parking for staff and visitors are provided, and 14 spaces in total will be provided, achieving a ratio of 1 space per 10 bedrooms (as recommended by Appendix E Parking Standards given that LTN1/20 doesn't provide recommended parking standards for a hotel use). The applicant has set out that these will be arranged with 4no. short stay spaces located beneath the terrace in the courtyard with 10no. long stay spaces located internally. These long stay spaces will be provided in the BOH areas, in a dedicated cycle store, accessed via Tanner Street and thus it is likely that these spaces will be primarily used by staff.
- b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- 5.128 From Rougier Street the building can be accessed via steps which will also contain a recessed concealed platform into the steps. To the rear, from the courtyard there is a wheelchair platform lift and low-rise stepped access. The back-to-back entrances helpfully arrive the visitor at the same place and disabled access is provided for on both building approaches. The courtyard will provide an accessible parking space (with EV charging), although a valet parking will be operated.
- c) 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;
- 5.129 The prospective hotel will be manned 24hours with concierge and a valet service. There is no through routes for the public, and the building and its external areas will be contained wholly within the application site and would not spill onto the public highway.
- 5.130 Highway officers have outlined that they seek segregated cycle access to the vehicular access ramp from Tanners Moat. The vehicular access ramp is existing, albeit works are proposed to lower the ramp and currently provides vehicular and cycle access to the car/cycle parking to the rear of the existing Northern House building. There is currently no segregated access. The existing ramp has been measured to be 3m wide (at its widest point). LTN1/20 guidelines set out a minimum width of 1.5m required for protected space cycling such as light segregation.
- 5.131 The proposals will result in the rear of the building being accessed for taxi drop-off and valet parking, with only two parking spaces available, one of those being an accessible space. This is alongside the provision of limited levels of short stay cycle parking provided to the rear. As such, it is considered that there will be relatively low levels of vehicular and cycle usage accessing the ramp via Tanners

Moat at any one time, along with reduced speed limits, avoiding potential conflict between motorists and cyclists and this would not justify segregated cycle access on the ramp. Officers therefore do not consider that this arrangement would give rise to highway safety concerns. It is also noted that there would be no space to be able to provide this, given the existing width (the proposals don't increase the width of the access ramp) of the access ramp and the width required of any protected cycle space.

- d) Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- 5.132 The proposals retain the existing arrangement with service access to be retained from Tanner Street, as is currently the case and does not raise any concerns in this respect.
- e) Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 5.133 The provision of 2no. electric vehicle recharging points will be provided, which will be located in a safe, accessible and convenient location, to the rear of the site.
- Street lighting
- 5.134 The existing building, Northern House, has 3no. streetlights fixed to it. Discussions have been undertaken and are continuing between the applicants and highway officers regarding the arrangement to replace the street lighting within the public highway. The proposed building has been set back from the edge of Rougier Street, and it is outlined that street lighting columns are a preferred option for this location, rather than street lighting being affixed to the new building. Highway officers have requested that details of the streetlighting are provided covering the construction period as well as permanent provision once the building is constructed. Highway officers outline that the removal and lack of replacement proposals for street lighting along this stretch of Rougier Street, which is a busy transport hub, would have an unacceptable impact on highway safety, contrary to para. 116 of the NPPF.
- 5.135 Officers note that Rougier Street has a 3m wide public footpath and is generally devoid of street furniture, other than single pole bus flag and a bus stop on the eastern end, adjacent to the existing building. Additional street lighting columns in the public highway in this location is not considered to be significantly problematic nor that there would be issues in its delivery. Highway officers have indicated that current discussions involve permanent lighting on the opposite side of Rougier Street. Officers also assert that based on the above, the replacement of the street lighting (both temporary and permanent) are within the public highway and would be covered under consents/agreements under the Highway Acts, therefore further

details have not been sought under this planning application and a refusal, as recommended by highway officers, could not be sustained. Highway officers have further requested a planning condition, seeking a finalised lighting scheme prior to the demolition of the building. Officers remain of the opinion that the replacement street lighting would be covered under the Highway Acts and note that in other respects, the timescale for this as suggested, would be unreasonable, failing the tests of a planning condition.

- Traffic/Construction impacts
- 5.136 The application site is landlocked, albeit with existing vehicular access from Tanner's Moat and Tanner Street. Rougier Street is heavily trafficked and there are a number of local businesses and residential proprieties within the immediate locality, with pedestrian and cycle access on surrounding streets, namely Tanners Moat. The works are considered to be substantial, in terms of the demolition of the existing Northern House and the construction of the proposed building, given the constrained site may impact users of the surrounding highway network. In order to mitigate some of these impacts, a demolition construction management plan has been negotiated with the applicant.
- 5.139 Subject to these mitigations, and any outstanding highway matters being dealt with through the Highway Acts and outside of the Planning Acts, as necessary, it is not considered that there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network that would be severe, and thus a refusal on these grounds, as outlined by NPPF para. 116, could not be substantiated.
- 5.140 In terms of construction, these mitigation measures may change, and it is considered appropriate that a Construction Traffic Management Plan (CTMP) which can be secured via planning condition, ensuring that a safe means of access for highway users is maintained at all times during the construction phases of the development.
- Travel Plan
- 5.141 Local Plan policy T7 states that proposals that can be reasonably expected to have a significant impact on the transport network must be supported by a Transport Statement (TS) or a Transport Assessment (TA) and Travel Plan (TP), as appropriate depending on the scope and scale of the development.
- 5.142 Paragraph 14.49 of the explanation to policy T7 outlines that a TP is a strategy for reducing travel demand in order to minimise the number of motor vehicles visiting a development. A TP will be required for all development subject to a full transport assessment where there are high trip generating characteristics (typically 30 or more peak hour trips).

5.143 The applicant has provided a Transport Statement and Travel Plan to accompany the application. Highway officers have sought the TP to be updated so as to provide further details in respect of funding and responsibilities for the TP as well as a commitment to working with iTravel York, on the implementation of the TP and conveying sustainable travel information to staff. The TS sets out that the development is likely to have high generating characteristics, with peak hour trips marginally above 30 or more (41 AM weekday peak hour trips by vehicle occupants). Officers therefore recommend an updated TP to be secured via condition.

#### Flood risk and drainage

- 5.144 The NPPF (para. 170) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.145 Local Plan policy ENV4 (Flood Risk) is in accordance with NPPF para's. 173 and 177 which states that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding, and if required, having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
- 5.146 As the site is in Flood Zone 3a, the development requires the Sequential Test as well as the Exception Test.
- Sequential Test
- 5.147 The aim of the sequential test (in the context of a sequential risk-based approach taken to individual applications) is to steer new development to areas with the lowest risk of flooding from any sources. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (NPPF para. 174).
- 5.148 In this case, the York city centre area has been used given that a hotel is a main town centre use. Three sites were identified in the search area which were suitable to accommodate development of this scale Piccadilly, Hungate and York Central. Piccadilly was discounted as most sites in this area already have planning consent; the area is also prone to flooding. Hungate is nearing completion and has flooding constraints. Finally, York Central has planning consent but development of the site relies on major infrastructure works that are still in progress.

- 5.149 The proposal as a would result in an increase in the flood risk vulnerability classification from 'Less Vulnerable' to 'More Vulnerable' as is seeks a change of use from offices to hotel. The site has historically been developed; the existing building covers the majority of the site.
- 5.150 For these reasons, it is demonstrated that there are no other reasonably available alternative sites in areas of lower flood risk and the proposal passes the sequential test.
- Exception Test
- 5.151 Para. 178 of the NPPF sets out that for the exception test to be passed it should be demonstrated that a) the development would provide wider sustainability benefits to the community that would outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The wider sustainability benefit provided by the scheme relate to the provision of an energy efficient building, meeting BREEAM 'excellent', the redevelopment of the site, supporting economic growth and employment benefits along with public realm enhancements.
- 5.152 Flood risk is from the River Ouse and a site-specific flood risk assessment has been provided with the application. The River Ouse in this location (North Street) is subject to flood defences. No sleeping accommodation will be provided on the ground floor, which contains reception areas, bar and restaurant and back of house facilities. Floor levels are to be raised in the development, above the existing finished floor level of the existing office building which is 10.51mAOD.
- 5.153 The EA states that the crest level for the flood defences at this location is 10.48mAOD and provides a 1 in 100-year standard of protection. The design flood level for the development is 11.05mAOD which includes 1%AEP +30% climate change. EA standing advice requires finished floor levels should be 600mm above the design flood level, except in situations where there is a high level of certainty about the estimated flood level, in which case, it may be appropriate to reduce this to 300mm. As agreed with the EA and the LLFA finished floor levels shall be 11.35mAOD. The proposed finished floor level is thus approximately 1.7m above the existing threshold level on Rougier Street and stepped access is required to access the development from Rougier Street.
- 5.154 The proposed development is not considered to increase flood risk elsewhere. There is an existing building on site of a similar footprint so compensatory flood storage measures is not required.

- 5.155 The applicant sets out that they will sign up to the EA's flood warning service. In addition, mitigation includes, in part a Flood Warning and Evacuation Plan.
- 5.156 In view of the above it is considered that the proposed development passes the exception test; parts a) and b) of NPPF para 178. There is adequate evidence that the proposed development passes the sequential and exception test. The measures within the FRA can be secured through a planning condition, as recommended by the LLFA and the EA.
- Drainage
- 5.157 The LLFA has outlined that there are a number of omissions from the drainage strategy section of the Flood Risk Assessment and Drainage Strategy, however despite this, a suitable drainage strategy/scheme can be sought by planning conditions.

#### **Environmental/amenity impacts**

- 5.158 The Council will give considerable weight to ensuring that development proposals do not give rise to unacceptable environmental impacts or human health impacts. Local Plan policy ENV2 requires development proposals to consider how environmental impacts have been considered in relation to both the construction and life of the development.
- Noise
- 5.159 Noise and vibration present in the existing environment or from the proposed development itself must be considered as part of a planning application. The site is located within the city centre and within an area where the prevailing land use includes offices and bars/nightclubs, although there are pockets of residential uses including No's 15-17 Rougier Street, which directly abuts the application site. The proposed hotel includes a ground floor bar and restaurant. The application is supported by a noise assessment by Dragonfly (Ref: DC4309-NR1). The noise assessment has been reviewed and the Council's Public Protection officer has sought clarification regarding locations of external noise sources. Additionally, it is recommended that the rated level identified at night is required to be reduced. Officers are satisfied, following confirmation from the Council's Public Protection officer that both these matters can be dealt with by planning conditions.
- Construction Impacts
- 5.160 Whilst located in an urban environment, the site is close to noise sensitive properties. The applicant has already set out in a Construction Environmental Management Plan (CEMP) the controls that they will put in place to minimise disturbance from noise, vibration and dust during construction phases of the

development. These controls have been assessed as acceptable, subject to being in place and remaining for the duration of the construction, and a compliance condition is recommended.

- Lighting
- 5.161 Previous iterations of the proposed building included external lighting. The elevations have been updated, firstly the applicant setting out that the proposed lighting has been rationalised and further, the external lighting has been removed in totality. Matters concerning the design implications relating to the external lighting of the building have already been discussed previously.
- 5.162 The site is located within the urban area and therefore following ILP (Institute of Lighting Professionals) guidance it would fall within zone E4 'Urban high district brightness'. The Council's Public Protection officer recommended a full lighting assessment to be provided so that light levels at neighbouring residential properties and within 100m of the boundary of the site can be predicated and ensure compliance with the guidance for reduction of obtrusive lighting by the ILP. This can be dealt with through a planning condition.
- Odour
- 5.163 The hotel will incorporate a commercial kitchen within the hotel operation. The applicant details that extract ventilation provided to the ground floor kitchen will be via an extract unit at roof level. Further details of the proposed facilities for the treatment and extraction of cooking odours are required and can be secured by planning condition.

## **Air Quality**

- 5.164 Local Plan policy ENV1 (Air Quality) sets out that to reduce emissions to air and improve air quality the impact on air quality must be acceptable. The application is supported by an air quality assessment which considers the potential impact of both the construction and operational phases of the development.
- 5.165 In terms of the construction phases of the development, a specific risk assessment has been undertaken to consider the proposed earthworks, demolition, construction and track-out activities on the site during construction phases. Through good site practice and the implementation of the recommended mitigation measures (Construction Environmental Management Plan (CEMP)), the effects of dust and PM<sub>10</sub> associated with the construction phases of the proposed development are not considered to be significant.
- 5.166 During the operational phases, the development is not expected to generate additional traffic movement in excess of thresholds outlined in local and national

planning guidance. The standard and accessible parking space within the courtyard area will be provided with electric vehicle (EV) charging points. It is a city centre location and limited parking provision will maximise opportunities for sustainable transport to and from the site.

- 5.167 The Council's Air Quality officer has outlined that an exposure assessment for the development is not required, citing that line with DEFRA guidance, a hotel (unless someone lives there as their permanent residence) would not be classed as 'relevant location' in terms of the health-based annual mean nitrogen objective. The applicant has chosen to undertake a site suitability assessment to consider air quality levels at the façade of the development. Certain design aspects of the scheme help to mitigate exposure of future guests of the hotel to pollution, including:
  - no guest rooms located on the ground floor, allowing a greater distance for dispersion of pollutants from road traffic emissions (pollutant concentrations generally reduce with height)
  - the building to be set back from the roadside, with the ground floor elevated, providing a greater distance for traffic-borne pollution to disperse
  - intrinsic design includes a sealed façade with mechanical ventilation on Rougier Street, where pollutant concentrations are likely to be highest, thereby reducing occupant exposure to emissions.
- 5.168 On the basis of the above and the proposed hotel use, no specific additional exposure mitigation is required.

## Climate change

- 5.169 Local Plan policy CC2 (Sustainable design and construction of new development) requires developments to achieve high standards of sustainable design and construction by demonstrating energy and carbon dioxide savings in accordance with the energy hierarchy, water efficiency and consideration of good practice adaption principles for climate resistance. An Energy and Sustainability Statement accompanies the application, which demonstrates how the requirements will be met and how the development appropriately follows the energy hierarchy.
- 5.170 The statement sets outs that the development will follow the principles of the energy hierarchy through the use of low or zero carbon technologies to be used for heating, hot water and on-site energy which will be air source heat pumps and photovoltaics. The development will be 'all electric'.
- 5.171 It is also required by Local Plan policy CC2 that non-residential development (with a total internal floor area of 1000ml or greater) should achieve BREEAM 'Excellent' or equivalent. BREEAM is a recognised sustainability assessment method for master-planning projects, infrastructure and buildings. The applicant has

set out that they will meet and undertake BREEAM certification, aiming for 'excellent' rating. A planning condition shall ensure that this is achieved.

- 5.172 Local Plan policy CC3 requires all major development to assess the feasibility and viability of connecting to an existing decentralised network, or where this is not possible, identified future network opportunities.
- 5.173 As detailed above, there have been a number of consultees who have outlined that the application should also consider the impacts of embedded carbon within the building arising from its demolition. Historic England outline that the most sustainable building is the one which already exists. The Council's Design and Conservation Team manager also considers that the potential reuse of the building should also be considered to a degree for sustainable construction reasons, citing that it is unclear whether there are policy grounds to require a carbon impact assessment.
- 5.174 An assessment in respect to the potential reuse of the building has been outlined above in the principle of development section in this report, where the applicant has addressed matters concerning the adaptation and re-use of the building. Alongside matters concerning the condition/structure of the building which requires extensive remedial repair, the narrow floorplate and internal layout as well as internal adaptation including raising the ground floor and removal of the 1st floor to make suitable useable height which would have an impact upon the ability to deliver a hotel use within the existing building.
- 5.175 The Local Plan policy CC2 aims 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. As noted above, the proposal will follow the energy hierarchy and will comply with policy CC2 (part B). There is no further detail in the Local Plan policies that cover embodied carbon.
- 5.176 The NPPF also covers meeting the challenge of climate change within Section 14, and in para. 161 outlines that the planning system should support the transition to net zero by 2025 and take full account of all climate impacts. It outlines that it should encourage the reuse of existing resources, including the conversion of existing buildings. There is no further consideration given to embodied carbon in the NPPF and this should be balanced against the applicant's assertion that the residual CO2 emissions will be reduced through low or zero carbon technologies to be used for heating, hot water and on-site energy, with the development being 'all electric'.
- 5.177 It is important to note, following the Marks and Spencer High Court decision [Marks and Spencer PLC v Secretary of State for Levelling Up, Housing and Communities & Ors [2024] EWHC 452 (Admin)] the NPPF does not have a 'strong presumption in favour of repurposing buildings'. On balance therefore and taking

into account the requirements and policy expectations of the Local Plan and NPPF, the applicant has sufficiently demonstrated that the building could not be reused for the intended hotel use, and it would be unreasonable to refuse consent due to embodied carbon resulting from the existing building's demolition.

#### **Contaminated land**

- 5.178 Local Plan policy ENV3 (Land Contamination) seek appropriate contamination assessments for sites that are identified as potentially contaminated or for sites where the proposed use would be particularly vulnerable to contamination.
- 5.179 The applicant has submitted several documents including a JPG Geoenvironmental desk top study (May 2024), a JPG Geoenvironmental ground investigation (February 2024) and a JPG Interpretative report on the Geoenvironmental and Geotechnical ground investigation (April 2025). The reports demonstrate that there will be no risks of hazardous gas, groundwater or soil contamination. It is concluded that the site is suitable for the proposed use. Public Protection officers also do not consider that further information is required, and no conditions are required other than one covering the reporting of unexpected contamination.

#### **Public Sector Equalities Duty**

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

- 5.182 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with "due regard" to its equality implications.
- 5.183 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

#### Conclusion of harm to heritage assets (public benefits)

5.184 As outlined in para. 5.108 above, the scale of harm to the significance on archaeological features and deposits is considered to result in less than substantial harm. NPPF paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst the degree of harm would be less than substantial, nevertheless paragraph 212 of the NPPF requires this harm to be given considerable importance and weight.

5.185 The applicant has set out the public benefit of the proposal, which includes:

#### **Economic**

- retention of the site as an employment use and support 120 jobs
- contribute over £80m GVA (Gross Value Added) in the period to 2054 (officers note that this figure has not been verified)
- the proposals make more efficient use of land
- introduce a town centre use that will contribute to diversifying the city centre and support a vibrant evening economy
- provide high quality visitor accommodation, increasing visitor numbers who stay longer (due to better facilities)

#### Social

- provision of ancillary bar and restaurant, which will be open to the public, provide outdoor eating, and is likely to generate family-friendly activity throughout the day and into the evening
- will add to the vibrancy of Rougier Street and compliment other restaurants and pubs in the area
- bring civic pride and image value from improvements to the streetscene

#### Environmental

- re-use of a brownfield site
- its location promotes sustainable transport; it's close proximity to public transport, jobs, goods and services which reduce the need to travel
- removal of a building that is identified as a 'detractor' within the YCHCCA

- achieve high standards of sustainable design and construction and also BREEAM excellent
- 5.186 The proposal will provide a hotel (and employment) use within the city centre, which is a highly sustainable location, including in close proximity to the railway station and Rougier Street itself, which is a public transport interchange. Facilities will be provided within the hotel including a range of bedroom accommodation including accessible bedrooms, as well as an ancillary bar and restaurant, which will be open to the public. In addition, the proposals will provide the highest standards of accessibility and inclusion, with back-to-back entrances on both building approaches, where access particularly those with disabilities, has been considered. The building's layout has incorporated a plinth to set the ground floor above flood level, improving the existing situation in regard to flood measure prevention.
- 5.187 Northern House is identified as a detractor in the YCHCCA appraisal (Character Area 22: Railway Area). Its design is not orientated to take into account the visitor approach from the station. Due to the anonymous nature of building entrances on Rougier St, it doesn't capitalise on the importance of the station to city visitor route. This is in addition to the impacts of heavy vehicle traffic on Rougier St, which makes a poor pedestrian experience for those passing the building on Rougier St. However, just because there is a loss of a detractor building, this would not amount to public benefits if the replacement building wasn't suitable in design and heritage terms. It is outlined in para 5.77 that the existing building on site does has some positive design features that could inform the design of a potential replacement. One of those key features that has been incorporated into the building's design is the recreation of a podium design principle, which serves to transition the building down and lower levels to a more domestic scale. The effect being that the terraced houses at No's 15 – 17 Rougier Street would still be read as such, albeit that their setting has mostly already been lost. Conversely, the building will have an improved relationship to the street, there will in part be an active frontage, more so than the existing arrangement and will assist in improving the visitor approach from the station. On the whole, the proposed building with protect the historic environment, preserving the features of special architectural or historic interest which adjacent and surrounding listed building possess.
- 5.188 It is therefore considered that these are considered to represent a public benefit that justifies this harm. The proposals are not considered to conflict with paragraphs 213 and 215 as well as footnote 75 of the NPPF and Local Plan policy D6.

#### 6.0 CONCLUSION

6.1 This application seeks the demolition of the existing building 'Northern House' and its replacement with a 140-bed hotel (Class C1). Along with external terraces Application Reference Number: 24/02021/FULM Item No: 5a

and ancillary bar and restaurant. The existing building is a vacant office building. The proposed hotel use remains an employment use, as defined in the LP glossary and thus there is no loss of employment generating uses within this proposal. The hotel development is located within the city centre, which is a priority area for a range of employment uses and the principal location for the delivery of economic growth in tourism, leisure and cultural sectors. The city centre location is also a sustainable and accessible location, by a range of transport modes. The ancillary bar and restaurant will likely generate activity thorough the day and into the evening, contributing to a strong evening economy and will encourage overnight stays. The hotel use remains an employment use. The proposals therefore comply with policies SS3 and EC4.

- 6.2 The rear space of the site will be improved to provide a semi-private courtyard area, to complement the internal restaurant/bar areas within the building. This will be shared with areas for limited car parking (2no. spaces including an accessible parking space and EV charging) with the hotel operating a valet service, and short stay cycle parking. The proposal has been designed with back-to-back entrances, from both the courtyard and Rougier Street. Disabled access is provided for on both building approaches.
- 6.3 The application site is located within Flood Zone 3a, though the building will benefit from a plinth to set ground floor above flood level. There will be no sleeping accommodation provided on the ground floor and the River Ouse in this location benefits from flood defences. There would be an increase in the flood risk vulnerability classification from 'Less Vulnerable' to 'More Vulnerable'. The sequential test demonstrated that there are no other reasonably available alternative sites in areas of lower flood risk. In addition, given the agreement and ability to provide finished floors levels to 11.35AOD in line with EA and LLFA advice, the development is not considered to increase flood risk elsewhere, as passes the sequential and exception tests.
- 6.4 In respect to environmental impacts, the amendments forthcoming during the course of the application along with the imposition of suggested conditions, the impacts from noise, lighting, odour and air quality are acceptable. The applicant has set out that the development will follow the principles of the 'energy hierarchy' and have agreed to meet and undertake BREEAM certification for 'excellent' rating (or equivalent) in respect of sustainability assessment. Objections have been raised in respect to sustainability, and the resulting loss of embodied carbon within the building, from its demolition. The adaption and reuse of the building have been addressed, and alongside matters concerning the condition and structure of the extant building and the internal layout of the building, these would individually, and cumulatively have an impact upon the ability to deliver a hotel use within the existing building. Policy CC2 of the LP and section 14 of the NPPF set out the requirements for sustainability, including following the energy hierarchy and climate impacts and supporting the transition to net zero, however beyond this, neither the Local Plan nor

NPPF provide further detail in respect to embodied carbon resulting from the building's demolition.

6.5 The proposed building intentionally and positively replicates the podium design of the existing Northern House building, as this approach is successful because of the close proximity to existing tall buildings on both sides. The upper floors of the proposal are however considerably wider than the existing building, resulting in a slightly negative and minor objection on design grounds. The replacement building is broadly designed in line with the height of the extant building, although includes a plinth level, which is otherwise not provided, to accommodate flood levels. The impact of its height is assessed as being largely neutral in the wider vista. The applicant has provided a proposal which provides a more staggered and visually animated frontage to Rougier Street, which is a significant improvement from the existing and an open area (free from overhead projections) allows for three appropriate/suitable street trees to be planted, generally level with the pavement, and will assist in making a positive contribution to the landscape quality of this urban streetscape. On the whole, the proposed building with protect the historic environment, preserving the features of special architectural or historic interest which adjacent and surrounding listed building possess whilst also resulting in neutral harm to the character and appearance of the conservation area.

6.6 The application site lies within the York Central Area of Archaeological Importance, where sub-surface archaeological features and deposits are of equivalent significance to scheduled monuments. Historic England have objected to the proposals citing that the general arrangement of the foundations showing both proposed and existing pile configurations increases the harm to significance, with no clear justification and that there is no evidence in support of the statement that the existing pile arrangement cannot be re-used. The re-use of the existing piles has been discounted because the structural integrity and future load-bearing capacity of the piles is unknown. The above ground building clearly exhibits structural issues; the current building/structure is not suitable for a change of use and has exceeded its original design life and thus the combination of the unknown condition of the piles means that the piles cannot be re-used for the new development. The intrusive elements, which are assessed as impacting below 8.1m AOD have been calculated as having an impact of 4.18% on archaeological deposits. Whilst the significance of the archaeological interests is high, it is concluded that the impact of the foundations will not lead to a greater than 5% disturbance, in line with Local Plan policy D6. Further harmful impacts upon archaeological deposits could be mitigated, through the use of planning conditions requiring, adding to the data set for future policy consideration and archaeological monitoring taking place on shallower areas of disturbance. In line with the requirements of the NPPF (para. 215), where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits

outlined in para's 5.185 – 5.187 are considered to represent a public benefit that justifies this harm.

6.7 As such, the proposal is found to be in accordance with policies ss3, ss2, EC4, D1, D4, D5, D6, CC2, ENV1, ENV2, ENV3, ENV4, ENV5, T1 of the Local Plan along with the NPPF, in particular Section 12 (particularly para's. 135 and 136), Section 14 and 15 and Section 16 (particularly para. 213 and 215 as well as footnote 75.

#### 7.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS

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

- site location plan 2109 Rev A
- proposed ground floor plan 2110B
- proposed first floor plan 2111 Rev P01
- proposed second floor plan 2112 rev P01
- proposed third floor plan 2113 Rev P01
- proposed fourth floor plan 2114 Rev P01
- proposed fifth floor plan 2115 Rev P01
- proposed sixth floor plan 2116 Rev P01
- proposed seventh floor plan 2117 Rev P01
- proposed roof plans 2126
- proposed context elevations sheet 1 2121 Rev P01
- proposed context elevations sheet 2 2122 Rev P01
- proposed sections A and B 2123 Rev P01
- proposed elevations North and East 2120 Rev P01
- proposed elevations South and West 2119 Rev P01
- Outline Landscape Masterplan PWP 922 001 Rev P04
- Construction Environmental Management Plan Ref: FM-ENV-04-01 Rev 002
- Logistics plan dated 21st October 2024
- Demolition bullet point methodology (undated/un-numbered)
- CEMP Protection of River Habitat River Ouse
- CMP Addendum No. 1 (Demolition) including Delivery Strategy (Opt.1), Delivery Strategy (Opt. 2) and Welfare Options by GMI
- Updated Archaeological Statement Ver 1.03 May 20th 2025
- General Arrangement of Foundations Dwg No. 6272-JPG-BL-FN-DR-S-2101 S4 P03

- Pile Schedule Dwg No. 6272-JPG-BL-FN-DR-S-2106 S4 P03
- Factual Report on Geoenvironmental Ground Investigation Ref: 6272-JPG-XX-XX-RP-G-0604-S2- P01 Dated 25 February 2024
- Flood Risk Assessment & Drainage Strategy Re: 23264-DCE-XX-XX-T-C-003-P03 Dated 20th November 2024
- Flood Warning & Evacuation Plan Re: 23264-DCE-XX-XX-T-C-004-P02 dated 4th November 2024

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

#### 3 ARCHAEOLOGY - MONITORING AND EXCAVATION

A programme of post-determination archaeological mitigation is required, specifically archaeological monitoring on upper deposits and excavation on deposits impacted below 8.1m (or at shallower depths if deemed necessary during monitoring).

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

- A) No development other than demolition to floorslab shall take place until a written scheme of investigation (WSI) for monitoring and excavation has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.
- B) The site investigation and any 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 (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of fieldwork completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction, in accordance with Local Plan policy D6 and the NPPF, specifically Section 16.

#### 4 ARCHAEOLOGY - ORGANIC DEPOSIT MONITORING

An archaeological programme of hydrological and water quality monitoring is Application Reference Number: 24/02021/FULM Item No: 5a

required on this site to assess continued in-situ preservation of wet, organic archaeological deposits.

Each stage shall be completed and agreed in writing by the Local Planning Authority before it can be discharged/approved.

- A) No development other than demolition to floorslab shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority setting out how appropriate hydrological and water quality monitoring will be maintained prior to construction through an existing instrument and re-introduced on site post construction. The WSI shall also set out how the monitoring results shall be assessed and reported at suitable intervals. The WSI should conform to standards outlined in guidance from Chartered Institute for Archaeologists.
- B) Evidence of provision for monitoring of and analysis and reporting on data from the hydrological and water quality monitoring devices for a period of 3 years shall be submitted in the form of an annual interim report in accordance with the approved WSI and approved in writing by the Local Planning Authority. This must include written agreement and provision for a final interpretative report and archive which will be submitted to the Historic Environment Record and Archaeology Data Service (ADS).

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant undesignated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The archaeological deposits merit preservation in-situ and monitoring, in accordance with policy D6 of the Local Plan, Section 16 of the NPPF and guidance from Historic England.

#### 5 DRAINAGE - SURFACE WATER

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority, prior to the construction of the hotel hereby permitted above foundation level. If discharge to public sewer is proposed, the information shall include, but not be limited to:

- evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical,
- evidence of existing positive drainage to public sewer and the current points of connection.
- the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change,
- storage volume calculations, using computer modelling, must accommodate a 1:30 Application Reference Number: 24/02021/FULM Item No: 5a

year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100-year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

- all manholes shall have sealed covers and outlets to have non-return valves fitted

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

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage, and to accord with policy ENV5 of Local Plan.

#### 6 LANDSCAPE - TREE PIT AND RAISED BED DETAILS

Full construction details of tree pits and raised areas of planting shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the hotel hereby permitted above foundation level. The construction details shall include:

- the depth and area or volume of growing media;
- proprietary structures to support paving over extended sub-surface rooting areas (where applicable);
- means of support;
- means of passive and active irrigation;
- maintenance regime and responsibilities, and;
- locations and compatibility with underground utilities.

All tree planting should aim to achieve the highest volume of growing medium practically possible and suitable for the tree species.

All tree pits and raised areas of planting shall be constructed in accordance with these details and implemented within a period of six months of the practical completion of the development.

Reason: Suitable detailing and maintenance will encourage the trees to establish and thrive. The trees are a critical element of the approved landscape scheme which is integral to the amenity and setting of the development and to accord with policies D2 and GI4 of the Local Plan.

#### 7 BIODIVERSITY ENHANCEMENTS

A biodiversity enhancement plan showing the specification/type, position and location of 1no. bird and 1no. bat boxes to be installed/erected on the building hereby permitted, shall be submitted to and approved in writing by the Local

Planning Authority prior to the construction of the building hereby permitted above foundation level.

The biodiversity enhancement measures shall be installed/undertaken in accordance with the approved biodiversity enhancement plan prior to first use of the hotel hereby permitted.

Reason: To conserve and enhance the biodiversity and wildlife interest of the area in accordance with policy GI2 of the Local Plan.

#### 8 PLANT AND MACHINERY

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, associated inclusive of any acoustic feature corrections with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area, in accordance with policy ENV2 of the Local Plan.

#### 9 ODOUR

There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed in accordance with the approved details and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance

 with Appendix 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m3/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area, in accordance with policy ENV2 of the Local Plan.

#### 10 EXTERNAL MATERIALS

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

This is to include manufacturers reference, and to be submitted together where appropriate (i.e. where built adjacent to each other) so they can be judged together.

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

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to protect the character and appearance of the York Central Historic Core Conservation Area, in accordance with policy D1 and D4 of the Local Plan.

#### 11 EXTERNAL MATERIALS - BRICK SAMPLE PANEL

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, brick sample panels (measuring at least 2x2m) should be constructed on site for all brick types, and bonding patterns in the proposed mortar and pointing shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

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

their sensitive location and to protect the character and appearance of the York Central Historic Core Conservation Area, in accordance with policy D1 and D4 of the Local Plan.

#### 12 WINDOW REVEAL STEPS

Notwithstanding what is shown on the approved plans and drawings, details including elevations (extract) showing a greater window reveal steps of up to 200mm shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development beyond foundation level. The development shall be constructed in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to protect the character and appearance of the York Central Historic Core Conservation Area, in accordance with policy D1 and D4 of the Local Plan.

#### 13 BREEAM

The proposed hotel building hereby permitted shall be constructed to a BREEAM standard of 'Excellent' (or equivalent). A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed in writing). Should the development fail to achieve an 'Excellent' BREEAM rating, a report demonstrating what remedial measures shall be undertaken to achieve an 'Excellent' rating shall be submitted to the Local Planning Authority within six months of the date of assessment for approval in writing. The remedial measures shall then be undertaken as approved within a timescale to be approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieve high standards of sustainable design and construction, in accordance with policy CC2 of the Local Plan.

#### 14 ELECTRIC VEHICLE RECHARGING POINTS

Prior to the hotel hereby permitted being brought into use, 2no. electric vehicle charging points (to serve the 2no. car parking spaces, one being an accessible space) as shown on approved plan ref: 2110B 'Proposed ground floor plan' shall be provided. Within three months of installation of the electric vehicle charging points, a scheme outlining the management, maintenance, servicing and access arrangements for all electric vehicle charging points for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The management scheme as so approved shall be implemented and adhered to at all times.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and para. 117 of the National Planning Policy Framework (NPPF).

#### Notes:

The EV charging strategy shall confirm that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address charge point fault resolution.

#### 15 LIGHTING

A detailed lighting scheme for the illumination of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, prior to the use of the hotel hereby permitted being first operational. All external lighting shall be installed as per the approved scheme and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

The external lighting scheme shall include, but not limited to the following details:

- a full Lighting Impact Assessment, which shall be undertaken by an independent assessor which shall include:
- i. a description of the proposed external lighting including technical specifications
- ii. how and where all external lighting shall be installed on the building
- iii. lighting design plans including:
- lighting contour plans showing where lightspill will occur, both within and outside the site boundary
- predicted light levels at neighbouring residential properties and all buildings within 100metres of the edge of the site boundary
- vertical illuminance levels (Ev)

The external lighting scheme shall have regard to the following requirements:

- all external lighting, other than that required for emergency or security purposes, shall be turned off by 23:00 on any day
- specified lighting shall be made in-line with current guidance, namely the Bat Conservation Trust (2023) Bats and Artificial Lighting at Night:

https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/

- Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E4 'Urban- high district brightness' contained within the guidance from the Institute of Light Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: In order to maintain the favourable conservation status of bats and other light sensitive species likely to be present by avoiding unnecessary lightspill on sensitive retained habitats (i.e. hedgerows and watercourses), and to protect the

amenities of nearby properties and the environmental qualities of the area particularly in this sensitive location (York Central Historic Core Conservation Area) and to accord with policies ENV2, D1, D4 and GI2 of the Local Plan.

#### Notes:

High level building lighting is generally not permitted; only building lighting for pavement wayfinding is generally accepted (i.e. usually ground and first floor).

#### 16 ADVERTISEMENT

Notwithstanding what is shown on the approved elevations (Dwg no. 2119 Rev P01 'Proposed elevations South and West') the advertisements as shown on the building elevations (southern and western) are not permitted.

Reason: The advertisement, particularly the high-level advertisement is not supported on this building, in this sensitive location and to the benefit of protecting the character and appearance of the York Central Historic Core Conservation Area. The wayfinding justification is also not accepted. The advertisements would not comply with policies D1 and D4 of the Local Plan.

#### Note:

Other advertisements that may be required on the building may be subject to separate control under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

#### 17 CONSTRUCTION MANAGEMENT (compliance)

Unless otherwise approved in advance in writing by the Local Planning Authority, at all times during the demolition, site preparation and construction phases of the development, the works shall be undertaken in accordance with the following submitted plans and information:

- Construction Environmental Management Plan Ref: FM-ENV-04-01 Rev 002
- Logistics plan dated 21st October 2024
- Demolition bullet point methodology (undated/un-numbered)
- CEMP Protection of River Habitat River Ouse

The following plans shall be adhered to during the demolition stages of the existing building:

- CMP Addendum No. 1 (Demolition) including Delivery Strategy (Opt.1), Delivery Strategy (Opt. 2) and Welfare Options by GMI

Reason: To ensure that construction methods will safeguard the amenities of neighbouring properties and to ensure that a safe means of access for highway

 users is maintained at all times during the demolition, site preparation and construction phases of the development in accordance with policies ENV2 and T1 of the Local Plan.

#### 18 DRAINAGE - COMPLIANCE

The development shall be carried out in accordance with the submitted Flood Risk Assessment & Drainage Strategy - Re: 23264-DCE-XX-XX-T-C-003-P03 Dated 20th November 2024 and the Flood Warning & Evacuation Plan - Re: 23264-DCE-XX-XX-T-C-004-P02 dated 4th November 2024, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 11.35 metres above Ordnance Datum (AOD),
- Sleeping accommodation is located at first floor level and above, and
- The occupants/owners sign up to the Environment Agencies Flood Warning System.

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

Reason: To reduce the risk of flooding to the proposed development and to protect future occupants of the development, and to accord with policy ENV4 of the Local Plan.

#### 19 ARCHAEOLOGY - COMPLIANCE

The construction of the building hereby approved shall in all respects be carried out in accordance with drawing no. 6272-JPG-BL-FN-DR-S-2101 S4 P03 General Arrangement of Foundations.

Reason: The site lies within an Area of Archaeological Importance. Construction to this plan is to ensure that disturbance of archaeological deposits by foundation design is minimised, in accordance with Local Plan policy D6 and the NPPF.

#### 20 LANDSCAPE - COMPLIANCE

The development shall be carried out in accordance with the approved landscape scheme, as shown on drawing no. PWP 922 001 Rev P04 Outline Landscape Masterplan, which shall be implemented within a period of six months of the practical completion of the development.

Any trees or plants which die, are removed or in the opinion of the local authority Application Reference Number: 24/02021/FULM Item No: 5a

become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development, in accordance with policies D2 and GI4 of the Local Plan.

#### 21 CYCLE PARKING

Prior to the hotel use hereby permitted coming into use, the cycle parking shall be installed in the locations as shown on plan ref: 2110B 'Proposed ground floor plan'. 14no. cycle spaces shall be provided in total. The cycle parking shall be in the form shown for the lifetime of the development and shall be used for this and no other purpose, unless otherwise agreed in advance in writing by the Local Planning Authority.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads in order to comply with policy T1 of the Local Plan.

Notes: the cycle parking spaces shall be arranged with 4no. short stay spaces located beneath the terrace in the courtyard, with 10no. long stay spaces located internally.

22 LC4 Land contamination - unexpected contam

#### 23 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Prior to the construction phases of the proposed building (including the laying of foundations), a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CTMP shall cover the following matters:

- plan/details setting out the relocation of cycle and car parking bays with the Tanner's Moat area, the provision of a pedestrian and cycle route through the site and surrounding area, and how access will be maintained (including for deliveries) to local businesses and residential properties on Tanner's Moat/Rougier Street
- routing of construction traffic and deliveries in and out of the site (delivery route to be accompanied by a swept path analysis), and measures as to how this will be communicated to staff and suppliers
- if located off-site, the storage location and accessibility of material storage area
- details of contractor parking and promotion of sustainable travel options for

workers to travel to the site by non-car modes

- details of welfare areas within the construction site
- details in respect of any large-scale machinery (cranes, for example) including its location(s) on site, delivery route and any associated road closures required.

The construction phases of the development shall be undertaken in accordance with the approved CTMP.

Reason: To ensure that construction methods will ensure that a safe means of access for highway users is maintained at all times during the construction phases of the development in accordance with policies ENV2 and T1 of the Local Plan.

#### 24 Travel Plan

Notwithstanding the submitted Travel Plan (November 2024 (Ref: 31183) by Hydrock Fore), the development hereby approved shall not be occupied until a full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan shall include, but not limited to the following:

- Setting targets for travel by means other than the private car (for both staff and guests);
- Incentivising the use of more sustainable forms of transport;
- Measures to support walking, cycling and the use of public transport;
- Outlining the funding and responsibility measures;
- Commitment to working with iTravel York.

The Travel Plan shall be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan.

Within 12 months of occupation of the site, a first-year travel survey shall be submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To help reduce travel demand in order to minimise the number of motor vehicles visiting the site, and to comply with policy T7 of the Local Plan.

### 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:

- Additional Archaeology information Statement and Foundations and Pile Schedule
- CEMP (including protection of River Habitat)
- Updated Landscape Masterplan
- Revised elevations, removing external lighting

#### 2. 1. Drainage Notes

- i. The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal, and,
- ii. The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

#### 3. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact:

#### Streetworks for:

Works in the highway - Section 171 and Vehicle Crossings - Section 184 (01904) 551550 - streetworks@york.gov.uk

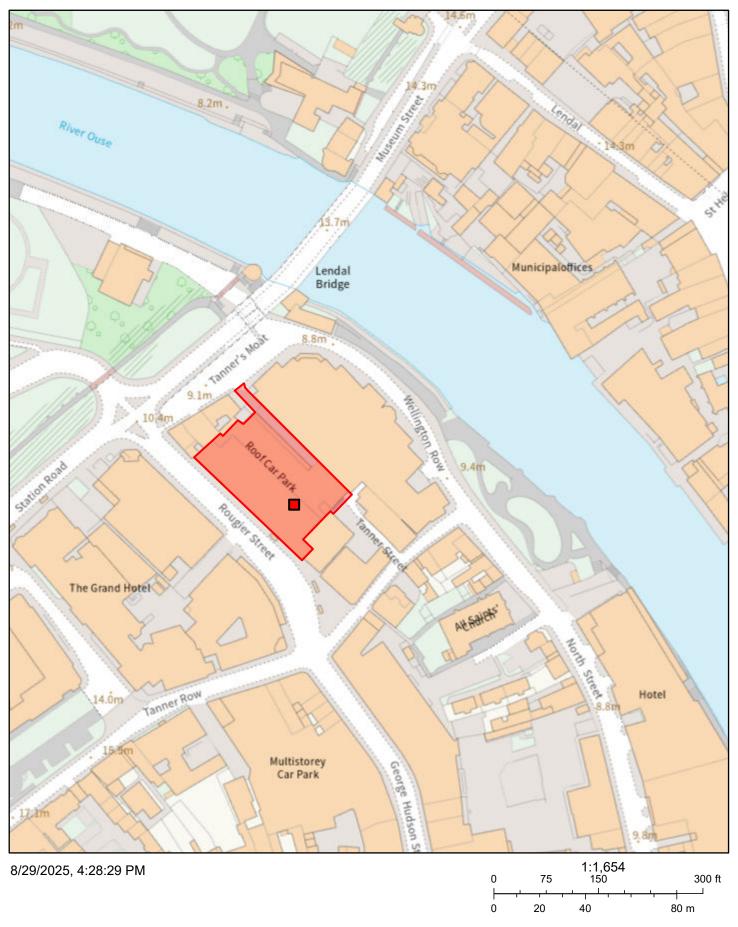
#### For Pavement Cafe Licence:

Pavement Cafe Licence - Section 115 (01904) 551550 - highway.regulation@york.gov.uk

#### **Contact details:**

**Case Officer:** Lindsay Jenkins **Tel No:** 01904 554575

Page 89 24/02021/FULM - Northern House, 1 - 9 Rougier Street







# Planning Committee A

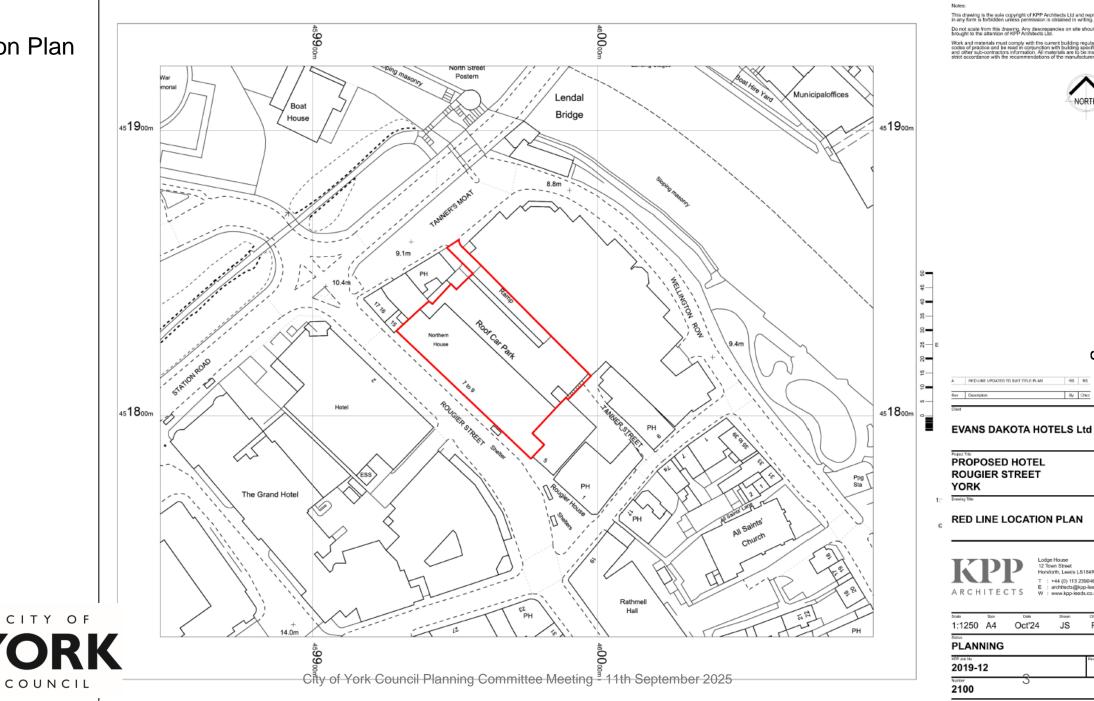
To be held on 11<sup>th</sup> September 2025

# 24/02021/FULM – Northern House, 1-9 Rougier Street

Erection of hotel comprising 140no. rooms including external terraces with associated car parking and vehicular drop off area, landscaping and highways works to existing access following demolition of existing building



### Site Location Plan



JS

Α

Oct'24

# Rougier Street/Station Road (from City Walls)





Station Road/All Saints Church (From City Walls)





Northern House – situated between Aviva Building (L) and Malmaison (R)





City of York Council Planning Committee Meeting - 11th September 2025

Northern House – view from Rougier Street (inc. No's 15-17 Rougier Street)





Northern House – from Rougier Street (adj to No.5 Rougier Street)





City of York Council Planning Committee Meeting - 11th September 2025

### **Existing South** Elevation





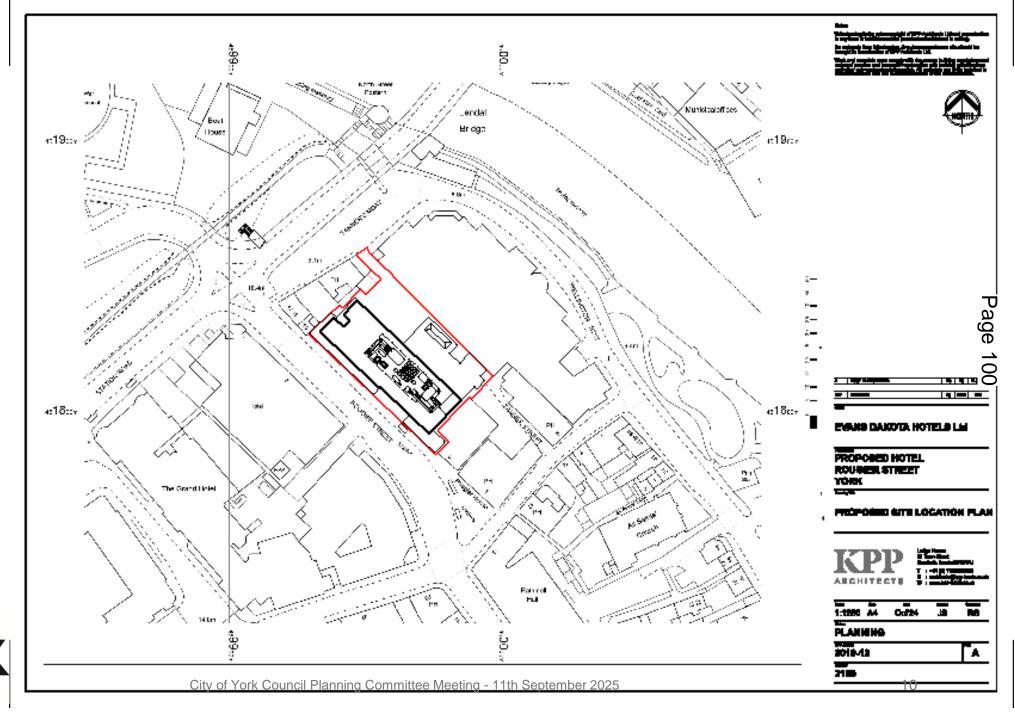


	KPP ARCHITECTS			Lodge House 12 Town Street Horsforth, Leeds LS18 4RU T : +64 (6) 113 2330400 E : archifects@kpp-leeds.co.x W : www.kpp-leeds.co.x	
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PROPOSED HOTEL ROUGIER STREET, YORK

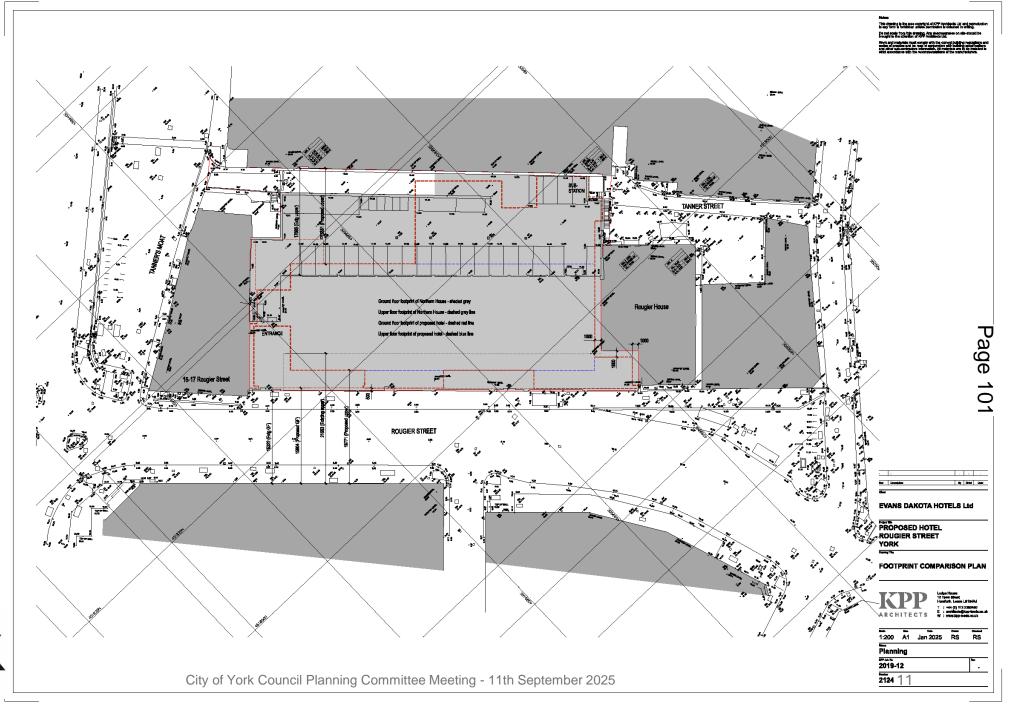
EXISTING SOUTH ELEVATION

### Proposed Site Plan



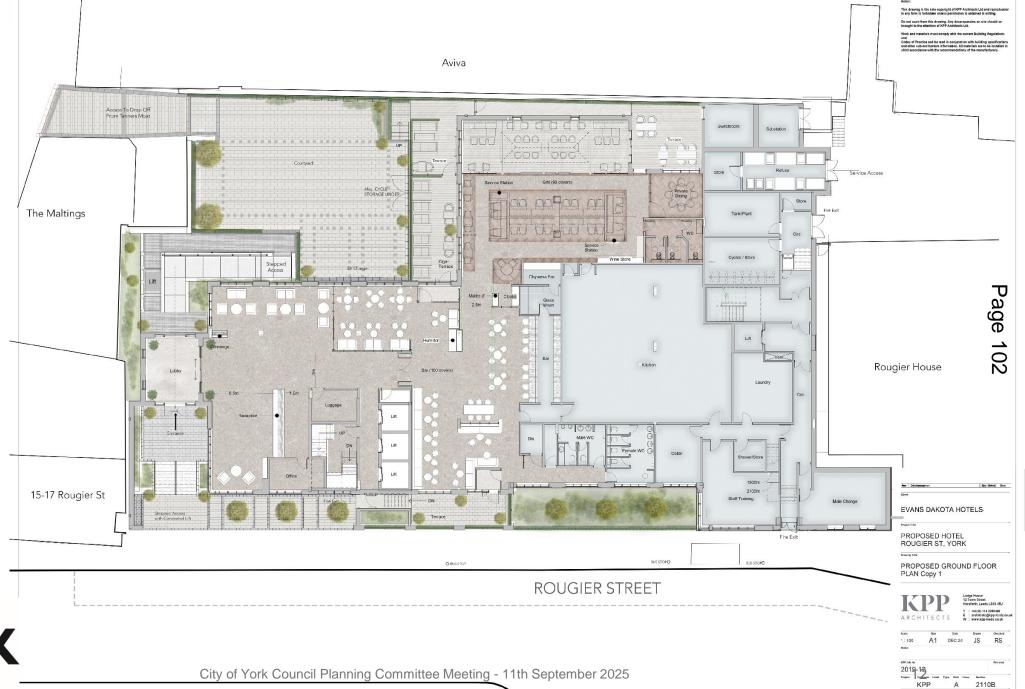


### **Footprint Comparison**





# Proposed Ground Floor Layout

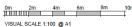




## Proposed First Floor Layout







City of York Council Planning Committee Meeting - 11th September 2025

No

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Page 103

EVANS DAKOTA HOTELS

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PROPOSED HOTEL ROUGIER ST, YORK

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PROPOSED FIRST FLOOR PLAN



12 Town Street
Horsforth, Leeds L\$18 4RJ
T : 444 (9) 113 2330460
E : architecta@kpp-leeds
W : www.kpp-leeds.co.uk

PLANNING

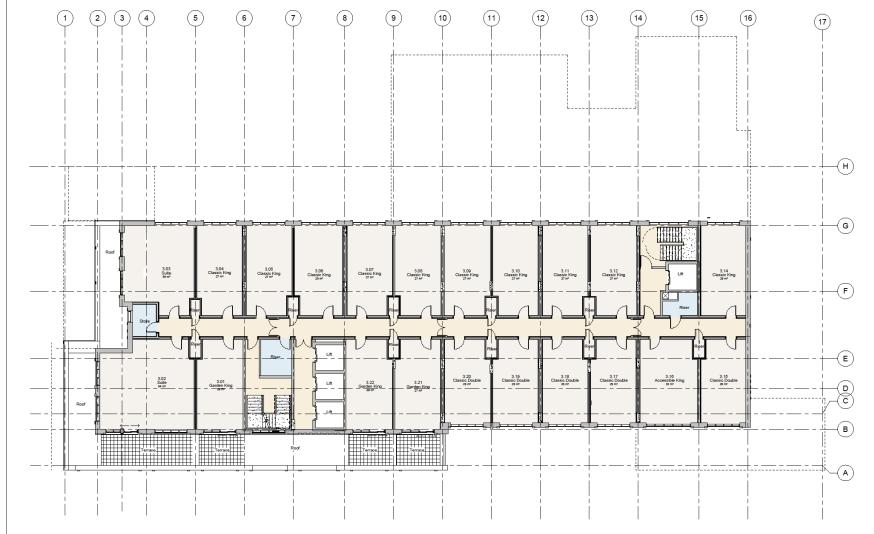
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# Proposed Third Floor Layout







City of York Council Planning Committee Meeting - 11th September 2025

Note

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Page 104

EVANS DAKOTA HOTELS

ject Title

PROPOSED HOTEL ROUGIER ST, YORK

Drawing Title

PROPOSED THIRD FLOOR PLAN

KPP

Horstoffs, Leeds LS18 4FU T : +44 (0) 113 2398450 E : archifects@kpp-leeds W : www.kpp-leeds.co.uk

| 100 A1 DEC 24 JS RS | 100 PLAN | 100 PLAN

Proposed South (Rougier Street) and West (Tanners Moat) Elevations







--- PREVIOUS CUTLINE

EVANS DAKOTA HOTELS

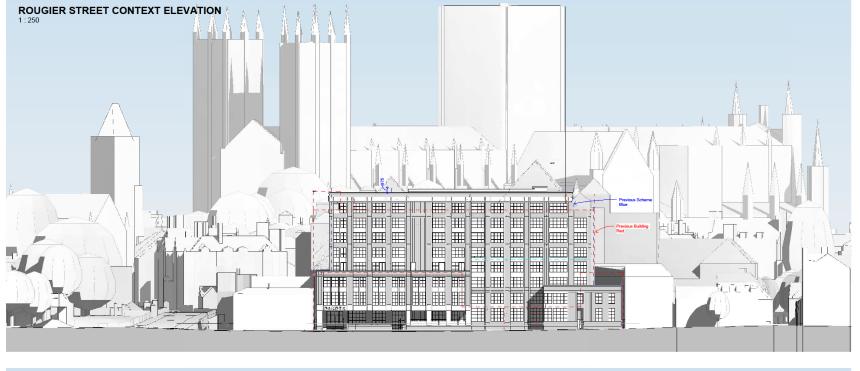
PROPOSED HOTEL ROUGIER ST, YORK

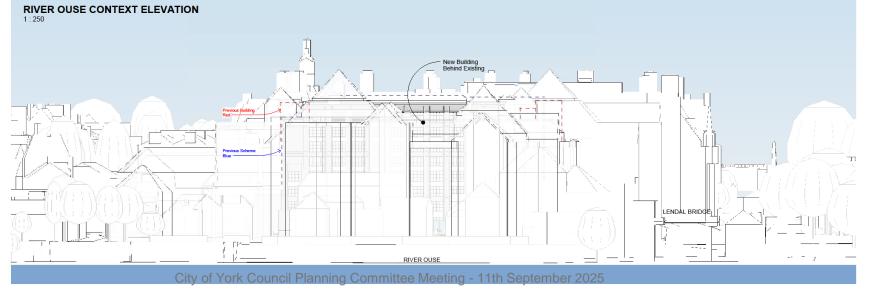
PROPOSED ELEVATION

NORTH AND EAST

KPP ARCHITECTS

PLANNING 2019-12 Rougier Street & River Ouse





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EVANS DAKOTA HOTELS

PROPOSED HOTEL ROUGIER STREET, YORK

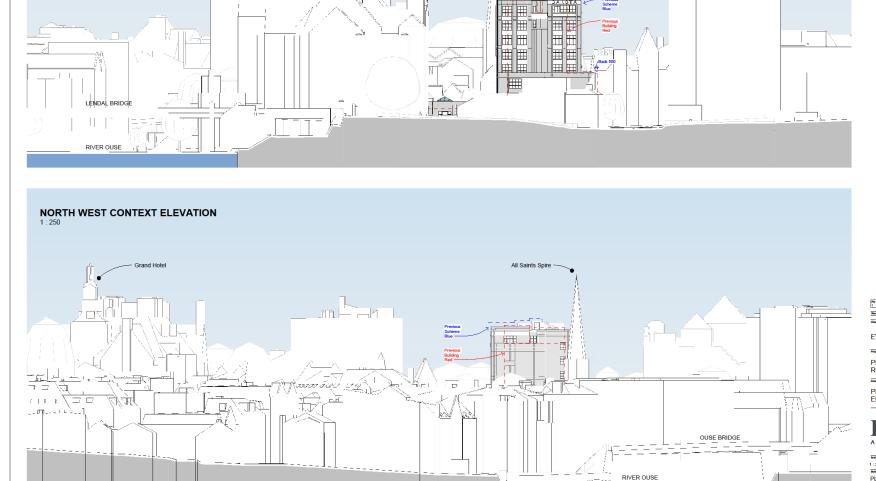
PROPOSED CONTEXT ELEVATIONS SHEET 1





**SOUTH EAST CONTEXT ELEVATION** 1: 250

South East & North West



City of York Council Planning Committee Meeting - 11th September 2025

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Work and materials must comply with the current Building Regulation and Codes of Practice and be read in conjunction with building specifical and other sub-contractors information. All materials are to be installed.

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EVANS DAKOTA HOTELS

PROPOSED HOTEL ROUGIER STREET, YORK

Title

PROPOSED CONTEXT ELEVATIONS SHEET 2



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1: 250 A1 0CT24 AS RS

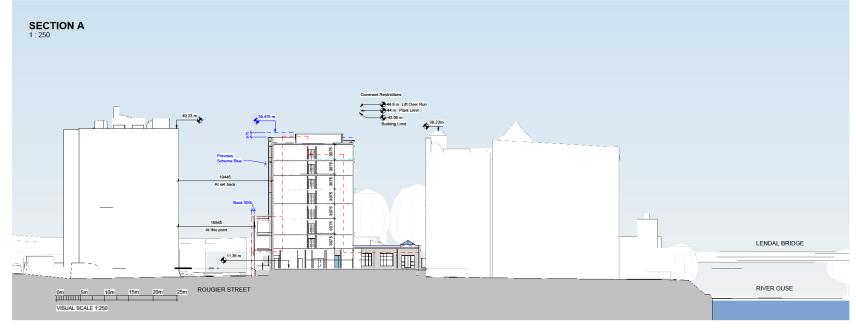
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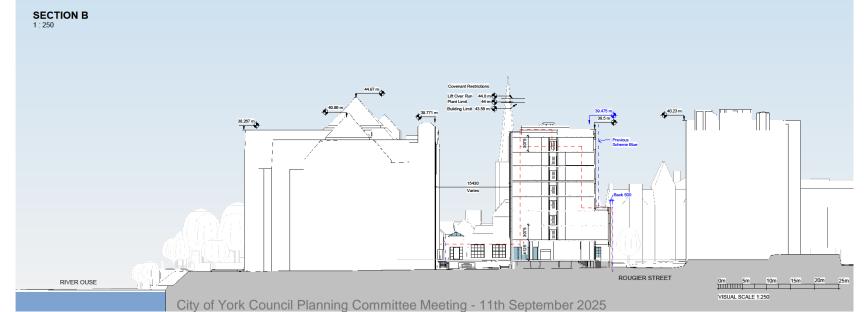
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# **Proposed Sections**







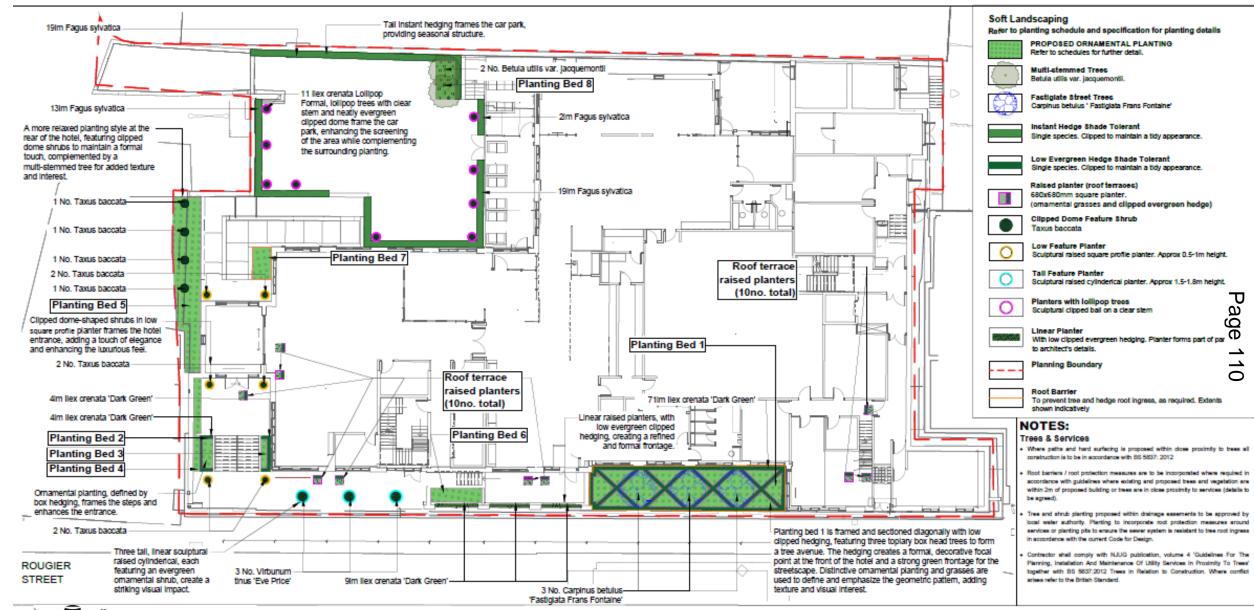
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EVANS DAKOTA HOTELS

PROPOSED HOTEL
ROUGIER STREET, YORK

PROPOSED SECTIONS
A and B

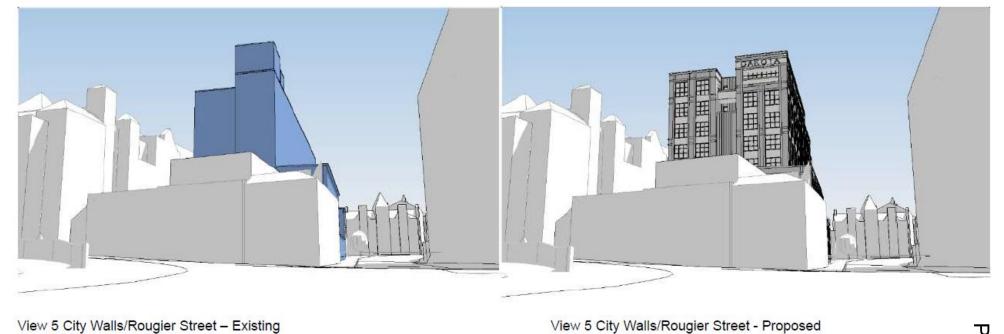
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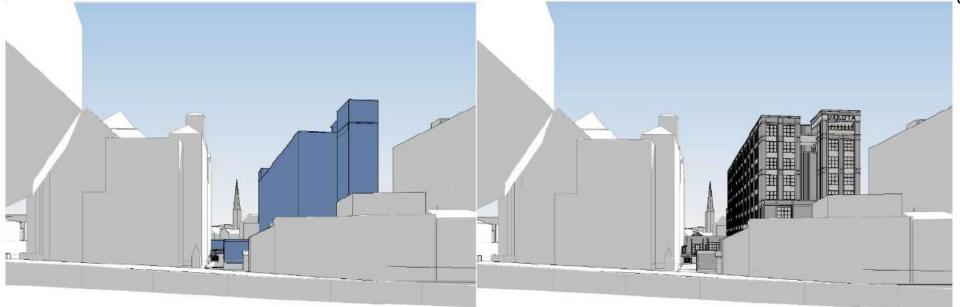


# Outline Landscape Masterplan

# 3D Visualisations



View 5 City Walls/Rougier Street - Existing





View 6 Station Road (to All Saints) - Proposed View 6 Station Road (to All Saints) - Proposed

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# Page 113 Agenda Item 5b

#### **COMMITTEE REPORT**

Date: 11 September 2025 Ward: Guildhall

**Team:** East Area **Parish:** Guildhall Planning Panel

**Reference:** 24/01077/FULM

**Application at:** Turnbull Mazda 17 - 27 Layerthorpe York YO31 7UZ

For: Demolition of existing car showroom (sui generis) and erection of

a purpose-built student accommodation (sui generis) with up to

220 units and associated landscaping and parking.

By: Danehurst Developments Limited

**Application Type:** Major Full Application **Target Date:** 1 February 2025

Recommendation: Refuse

#### 1.0 PROPOSAL

- 1.1 The application site lies between Layerthorpe and the River Foss, just outside of the inner ring road. The property contains a car vehicle showroom and associated hard-standing for the display or motor vehicles. The buildings to the north are single storey shed type structures containing various commercial uses. The land to the south previously contained a hire car business but the site is now cleared and vacant. The building on Layerthorpe opposite is 4 storey and contains a recently completed hotel.
- 1.2 The site is almost all in Flood Zone 3. A small corner on the east side of the site is outside of Flood Zones 2 and 3. It is also in the designated City Centre Area of Archaeological Importance. The site is not allocated in the Local Plan. The site within the city centre as shown on the Local Plan policies maps.
- 1.3 The scheme is for purpose build student accommodation (PBSA). The proposed building is set back between approx. 3.5m to 5.5m from Layerthorpe and would have an access road on its north-eastern side. On the River Foss (north-west) side the building is setback approx. 6m to 7m from the river.
- 1.4 The building itself would generally be set almost 1m lower than street level; communal areas have higher floor to ceiling heights than bedrooms/studios but their lower ground level means they would be at higher risk of flooding. The building

### Page 114

would be 4-storey at the façade facing Layerthorpe rising up to sheer 5-storey on the block facing the river.

- 1.5 The scheme would provide -
- 220 student bedrooms.
- 94 cluster flats and 114 studios (12 accessible studios 5.5% provision)
- Amenity space comprising gym, cinema, common room, study room, gaming room and laundrette.
- 6 car parking spaces (including 4 disabled spaces).
- 159 cycle parking spaces (72% provision)

#### 2.0 POLICY CONTEXT

- 2.1 The NPPF in paragraph 48 states "that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise". The development plan is the Local Plan which was adopted in 2025. There is no made Neighbourhood Plan relating to this application site.
- 2.2 The most relevant Local Plan policies are as follows -
- DP2 Sustainable development
- DP3 Sustainable Communities
- SS1 Delivering Sustainable Growth for York
- SS3 York City Centre
- EC2 Loss of employment land
- H3 Balancing the housing market
- H7 Student housing
- D1 Placemaking
- D2 Landscape and setting
- D4 Conservation areas
- D5 Listed Buildings
- CC2 Sustainable design and construction of new development
- GI2 Biodiversity and access to nature
- GI6 New Open Space Provision
- ENV4 Flood risk
- ENV5 Drainage
- T1 Sustainable access

### National Planning Policy Framework (NPPF)

- 2.3 The NPPF is a material consideration in planning decisions. It sets out the government's planning policies for England and how these are expected to be applied. It outlines that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8). The relevant sections of the NPPF include -
- Section 2 (achieving sustainable development)
- Section 5 (delivering a sufficient supply of homes)
- Section 6 (building a strong competitive economy)
- Section 8 (promoting healthy and safe communities)
- Section 12 (well-designed and beautiful places)
- Section 16 (conserving and enhancing the historic environment)
- 2.4 The scheme potentially effects the setting of listed buildings and the Central Historic Core Conservation Area (CHCCA). 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.

### Other relevant national guidance

- National Design Guide planning practice guidance for beautiful, enduring and successful places (2021)
- Department for Transport (DfT) Gear Change a bold vision for cycling and walking (July 2020)
- DfT Local Transport Note Cycle Infrastructure Design (LTN1/20)

#### 3.0 CONSULTATIONS

#### INTERNAL

### Affordable Housing Officer

3.1 Advise of policy H7: Off campus purpose-built student housing requirements i.e. the requirement for an off-site financial contribution towards affordable housing. Based on a scheme with 234 bedrooms (officer note - comments were provided before the submission of revised plans which reduced the amount of proposed development) the contribution would be £1,272,115.65.

### <u>Design & Conservation – Archaeology</u>

Recommend conditions.

- 3.2 A desk-based assessment has been submitted. The applicant has requested that, given the difficulties of site access due to ongoing commercial use, evaluation take place as a planning condition. While not encouraged, this will allow a more detailed, staged evaluation to take place. Given the likely nature, survival and impacts to deposits on the site officers agree, in this instance, this approach can be taken.
- 3.3 A borehole survey and tier 1 hydrological model will take place across the whole site once cleared. The results of this will inform the locations of trial trenches to be excavated in stage 2 of the evaluation. The evaluation is conditioned on the understanding that the degree of mitigation cannot be fully outlined at this stage. Therefore, a suite of archaeological conditions should be applied some as a precautionary measure given the uncertain archaeological make-up of the site.

## <u>Design & Conservation – Ecology</u>

# Object

- 3.4 Object to the design of the scheme because it lacks soft landscaping with biodiversity value adjacent the riverside. In this respect the scheme is considered contrary to Local Plan policy SS3: York City Centre in terms of enhancing the setting of the rivers and GI2: Biodiversity and access to nature in respect of maintaining and enhancing the setting of rivers in respect of their biodiversity.
- 3.5 In respect of statutory BNG (Biodiversity Net Gain) more information was requested as to how this would be achieved, given that 10% net gain is a

requirement across all habitat elements covered in the metric (area based, linear/hedgerow and watercourse/river). The further information was required (and whether the biodiversity hierarchy is being followed) because the applicants river condition report recommends several measures such as reduction in encroachment on the riparian zone and off-site compensation. In response a revised BNG report was issued file dated 24 December. It shows a 0% change in watercourses on-site the statutory 10% BNG allows development to provide gains off-site, which would be the solution in this instance.

### <u>Design & Conservation – Landscape</u>

Comment on revised scheme dated 31.1.2025 – maintain reservations. The combination of the scale of the building with the overall lack of open space continues to be a concern.

- 3.6 Layerthorpe frontage The existing backdrop of trees provides a nuanced value to the existing street scene. The proposed mass of the building appears to have a dominating (overpowering) presence. There is a decent depth of shrubbery on the Layerthorpe frontage but there would be no significant vertical softening provided by trees (presumed restricted due to existing utilities). Shrubbery would not reflect the scale of the building. Street trees would provide a larger more vertical scale, as well as provide connection with the existing treed street scene associated with the river corridor and the emerging character of the neighbourhood.
- 3.7 River Foss setting there would be a high degree of change loss of views of trees, the margin between the building and river is too narrow to replace sizeable trees within the view, given the scale of the building. Although the river is canalised, the Foss is an obvious major feature of views along Foss bank. Re-development of these parcels of land present an opportunity to improve the setting and relationship with the river. Illustrative views of the scheme provided illustrates the dominance of the building within the evolving softer character of the river Foss corridor. This is compounded by the boundary treatment (brick wall and pillars) which appears very heavy and somewhat hostile.
- 3.8 The distance between the River Foss and the building elevation has been increased slightly and stepped back (in the revised plans) allowing space for two more trees, and a wider footpath; and it has been pulled away from the southern boundary. The increased margin between the building and river is too narrow to add sizeable trees to correspond with the proposed scale of the building.

### <u>Design & Conservation – City Architect</u>

- 3.9 Officers raised concerns over the design. The recommendation is for a building averaging 4-storey. Appropriate height is primarily considered as good townscape design rather than the direct effect on Heritage Assets.
- 3.10 Officers have concerns over building heights as this is a sensitive site compared to other Layerthorpe locations it is closest to the city walls, and directly on a river corridor. The link five floor component (between Layerthorpe and riverside facing elevations) would add to general oppressiveness and would set an undesirable precedent for less sensitive sites in the area being even taller in future through cumulative impacts.
- 3.11 In response to initial scheme it was requested the building be setback further from the river. A green river walkway is recommended this has been enabled at other plots which have been subject to redevelopment and remaining plots look prime for redevelopment.
- 3.12 Support principle of a side access which allows the soft landscaping to the front of the building.
- 3.13 Architectural detailing The overall design effect is attractively composed and proportioned and is supported in this case.

### Flood Risk Management Team

- 3.14 The drainage scheme (Concept Drainage Strategy Re: FAH-ZZ-00-DR-D-0010 Revision P3) with surface water connection to the River Foss at a restricted rate of 6.1 litres per second (l/sec) with appropriate attenuation up to and including the 1 in 100-year event with 45% climate change allowed for is agreed.
- 3.15 Flood risk a warning and evacuation plan would be required. Advised there should be no sleeping or habitable rooms below a level of 10.92 AOD. The scheme still appears to have accommodation below this level. Loss of flood water storage it is agreed a floodable void will create an additional 435m3 of flood storage. We require site specific details to include a means of access for cleaning and how the void will fill and empty by gravity and a maintenance plan to ensure the volume is always available. We also require site specific details of the new riverside wall which must include gaps to allow the void to flood and recede by gravity. These items can be sought by condition if planning permission is granted.
- 3.16 Other consents officers advise consent will also be required from the Environment Agency and the Foss Navigation Authority (due to the proximity of development to the river).

### Highway Network Management

### Objections

- 3.17 No improvements to pedestrian or cycling routes along Layerthorpe (officer note the applicant did undertake a pre-application inquiry and was advised to explore options for improving active travel along Layerthorpe, including improvements to the footpath and cycle lane).
- 3.18 The access width is narrow; vehicles may not be able to pass each other. There is also limited space to manoeuvre in the vehicle area for servicing and car parking. Vehicles may alternatively choose to stop on Layerthorpe irrespective of parking restrictions.
- 3.19 The aisle widths between opposing two-tier cycle parking racks is still insufficient in one of the main cycle stores.

### **Public Protection**

No objection.

- 3.20 Noise an assessment will be required to confirm plant and machinery proposed at the site does not harm residential amenity.
- 3.21 Land contamination standard conditions recommended.
- 3.22 Construction management condition recommended.

## Sport and Active Leisure

3.23 Requested contributions for off-site sport and amenity space.

#### **EXTERNAL**

## Active Travel England

3.24 No comment.

#### Canal and river trust

3.25 No objection – advise not required to be consulted on the scheme.

# **Environment Agency**

3.26 The EA asked for evidence the scheme would not have any impact on the structural integrity of the riverside retaining wall.

# Guildhall Planning Panel

#### Object.

3.27 The building is too large, too high and inappropriate for this site. The mass of this building needs to be broken down into smaller elements and the landscaping is minimal. Question whether there is need for student accommodation.

### Internal Drainage Board

3.28 No comment – no assets affected.

### **Heath & Safety Executive**

3.29 No comment – not a statutory consultee for this scheme.

### Historic England

Consider harm would be caused to the significance of York Minster and the County House; a modest level of less than substantial harm.

- 3.30 Views of the York Minster from Layerthorpe contribute to its significance as one of the main places from where the full eastern end and width of the structure can be seen. This allows the dominance of York Minster over the city to be appreciated and understood. Views of both York Minster and the County House from Layerthorpe provide a tantalising indication of the 'tremendous architectural variety' of the city which is noted as one of the six principal characteristics of York in the York Central Historic Core Conservation Area Appraisal (p.5) along with 'landmark monuments'.
- 3.31 The proposed development would significantly obscure views of York Minster. The applicant's visual assessment (TVA (p.26)) acknowledges that there would be a 'high degree of change', reduction in the visibility of York Minster from this part of Layerthorpe and that this would be a negative change to the view.
- 3.32 The proposed development would also obscure views of the full rear elevation of the Grade II listed County House. The bulk, height and massing of the proposed development on its northern edge addressing the River Foss, would also challenge the current landmark dominance of the County House towards the river. This would detract from the appreciation of the landmark status of the listed building. Consideration should also be given to the cumulative impact of a structure of this bulk, massing and height, with the site on the opposite side of Layerthorpe, and the result in a significant increase in built form in the area and a significant change of character which also has the potential to detract from the settings of York Minster and the County House. A possible solution would have been to encourage the developer to consider alternative building layouts that allow views through to York

## **Page 121**

Minster from Layerthorpe, as well as breaking the building down into a series of smaller elements. This would also help to better maintain the characterful skyline of the city.

3.33 Archaeology – defer to and support recommendations provided by the Council's Archaeologist in risk of mitigation.

#### North Yorkshire Police

No objection.

3.34 This proposal accords with the core principles and design objectives set out in the National Planning Policy Framework in respect of developments creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

#### Yorkshire Water

3.35 No objection and endorse the proposed approach to draining surface water to the watercourse (this follows the sustainable drainage hierarchy).

#### York Civic Trust

Support revised scheme

Advice on original scheme

- 3.36 Unable to support the application in its current form. The less than substantial harm arising from adverse impact on key views across the site would need to be offset by public gains. The Trust considers the public realm and amenity space on the River Foss aspect of the building holds potential to make such an offset successful but is currently compromised by existing design issues.
- Preference is for the riverside block to be 4 storey. The massing is at its greatest in the connecting spine aspect. It represents an over development of the site, especially as will be seen while the building is flanked by 1-2 storey buildings (although it might be anticipated that the massing here will be of a lesser issue should/when large-scale development follows at the neighbouring sites.) The scale of the massing can be mitigated by breaking-up the 'blockiest' parts, so that the spine's roofline is less uniform.
- Along the riverside suggested an approach to detailing that better follows a warehouse vernacular (whereby windows due to their proportions and detailing has a less exaggerated vertical emphasis).

- There is little social space for residents to use with few of the benches being close by and a lack of lawned areas to congregate.
- The size of the massing of the building leads to 45% of the proposed communal courtyard areas will receive less than 2 hours of sunlight (using the standard of on 1st March), thereby falling short of Building Research Establishment's targets (BRE Report 209, 2nd Edn., 2022).

Advice on revised scheme (19.8.2025)

- 3.37 Revisions address the concerns raised in our original response, particularly the riverside public realm and amenity space and riverside façade. Support the scheme and welcomes its contribution to the redevelopment of Layerthorpe, transforming a currently poor-quality townscape into one of greater architectural and public value.
- 3.38 The following suggestions are offered to help strengthen the scheme further -
  - Reduce the 2m high riverside railings and brick piers to present a more open feel for users of the walkway.
  - To mitigate the visual impact of the five-storey aspects of the building, particularly on the riverside, consider use of a lighter brick colour or alternative material for the uppermost storey perhaps a cream, sandy, or light grey brick.

#### 4.0 REPRESENTATIONS

- 4.1 Twelve contributions have been received. Comment as follows -
- Lack of benefit to local community. Loss of commercial space and replacement with high cost residential.
- Building too high and detrimental to local skyline. Too imposing on Layerthorpe.
- Accommodation unsuitable for students too many studio units. Loss of employment land. The university therefore objected to the scheme.
- Support from other PBSA developers. The is a lack of student accommodation in York and the scheme is high quality.
- Land use suitable for the location which is undergoing change.
- Increased flood resilience due to the provision of green roofs on the building opposed to tarmac.
- Job creation during construction.

#### 5.0 APPRAISAL

### 5.1 Key Issues

- Principle of proposed use
- Accommodation mix
- Flood risk and drainage
- Design and conservation
- Archaeology
- Ecology
- Sustainable design and construction
- Land contamination
- Accommodation mix
- Affordable housing
- Residential amenity
- Highway network management

### Principle of proposed use

5.2 The applicant's planning statement includes their submission as part of the Local Plan examination. This sets out their objections to pertinent policies EC2 in respect of loss of employment land, and H7 off-campus Purpose Build Student Accommodation (in respect of affordable housing contributions being unjustified and nominations agreements being unreasonable).

# Loss of employment land

- 5.3 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:
- 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".

- 5.4 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 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". The final sentence advises that the policy applies to all employment generating uses.
- 5.5 The applicants have cited the following issues in respect of employment use of the site –
- Flood risk (the site is in flood zone 3) poses an issue with use of the site as employment land; due to the effects of flooding and difficulty in obtaining insurance.
- The buildings date from the 1960's/80's and are in poor condition; substantial investment would be required to allow re-use.
- The existing car showroom use, and similar industrial uses, can be accommodated, and are more suitably located on industrial estates, such as Clifton Moor further from the centre.
- 5.6 The economic statement issued with the application from a property consultancy advises –
- The existing buildings may be considered suitable for an alternative use, perhaps leisure or possibly industrial. In the case of leisure, it would be low grade only given the nature of the buildings and ultimately in a short space of time would be out of keeping with the improving profile of the area.
- Similarly, industrial uses will be affected by flood plain restrictions limiting the scope of industrial development significantly. Based on the Applicant's discussions with the Environment Agency, any development of the site will need to be restricted to the footprint of the existing building, limiting any new industrial use building to c 1,170sqm at ground level, leaving almost 2/3rd of the site area undevelopable.

- 5.7 Policy EC2 is clear that to demonstrate compliance a reasonable marketing exercise, to retain the site in a use providing employment is required, or it needs to be demonstrated all employment uses would be incompatible with adjacent uses. The site has not been reasonably marketed the applicant's economic statement does not provide details of any marketing. It only gives opinion that in the event of offering the site for sale, interest would primarily be from PBSA and residential developers. The site is situated within a group of commercial uses, some of which have only recently located. These include a diverse mix of uses that do contribute to the vitality and viability of the area. Officers are not satisfied that an employment use of the site is not compatible with its setting.
- 5.8 In respect of the second criteria of policy EC2, whilst the Local Plan allocates sites to accommodate growth, EC2 is established because existing sites are required to accommodate overall needs. The submission makes a case that due to the peripheral location of the site, and availability elsewhere, it is unlikely to be desirable as office space. It does not demonstrate the site is not required to meet any of the employment needs within the city. As noted earlier, there are a variety of commercial buildings on this section of Layerthorpe. The submission does not comply with policy EC2.
- 5.9 The proposed redevelopment of the site would conflict with policy EC2 Loss of Employment Land. The application does not demonstrate that the site is not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and nor does it demonstrate that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The proposals are therefore contrary to the Local Plan in respect of delivering the city's economic ambitions by providing sufficient land to meet the level of growth set out in the Spatial Strategy in policy SS1.

## Off-campus PBSA (purpose-built student accommodation)

- 5.10 Local Plan policy H7 states proposals for new off campus PBSA, other than the allocation at SH1, will be permitted where all the following criteria are satisfied:
- it can be demonstrated that there is a need for student housing which cannot be met on campus and
- ii. the site is in an appropriate location for education institutions and accessible by sustainable transport modes.

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- iia 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.
- 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.

The policy also advises that for new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City. This matter is assessed in the planning obligations section.

- 5.11 The Councils 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.
- 5.12 The site is in a suitable location due to its proximity to York St John University.
- 5.13 Nominations agreement it is assumed the developer is not agreed to the accommodation being subject to a nomination agreement by one of the universities, because the submission explains they oppose this in principle. The initial planning statement includes representations on behalf of the developer objecting to the policy itself and the requirement for nominations agreements. This element of the policy (and policy H3: Balancing the housing market) are to ensure housing delivery represents housing need. Without a nominations agreement, or an appropriate accommodation mix, the scheme would conflict with one of the principles of policy SS3 related to the city centre; to deliver sustainable homes that provide quality, affordability and choice for all ages, including a good mix of accommodation and the strategy for delivering affordable housing in policy SS1: Delivering Sustainable Growth for York.
- 5.14 The scheme is contrary to policy H7 in that there is no agreement in principle that 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. As such the proposals are contrary to the requirements of policy H7 in

so far as it seeks to control occupy to ensure that it only comes forward when it is needed and that it does not suppress affordability of accommodation and delivery of affordable housing in general.

5.15 Amenity – because of the site location and surrounding uses there are not any nearby residents would not be unduly affected by the scheme. The site is on a main route into the city and surrounded by commercial uses and the river.

#### **Accommodation mix**

- 5.16 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.'
- 5.17 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).
- 5.18 The scheme would provide 220 units 94 cluster flats and 114 studios (12 accessible studios 5.5% provision). The proportion of studios is higher than what the Council would prefer in light of the evidence on housing need. However, the Council has only recently provided this information. The applicant did make a preapplication enquiry and were not advised of the preferred approach, to provide a majority of accommodation within cluster type accommodation; the scheme was progressed on this basis. The scheme does include a mix of studios and cluster rooms. The Council's desired mix is not currently established in policy or part of the published evidence base. As such officers can give limited weight to what is perceived to be conflict with policy H3 in this particular case.

#### Flood risk and drainage

- 5.19 Local Plan policy ENV4 states new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events. Development proposed in areas of flood risk must be informed by an acceptable site-specific flood risk assessment, following the Sequential Test and, if required, the Exception Test.
- 5.20 Proposals located in areas known to be at risk from any form of flooding must demonstrate that:
  - i. there is no direct or cumulative increase in flood risk locally or elsewhere in the catchment arising from the development; and,
  - ii. the development will be safe during its lifetime with arrangements for the adoption, maintenance and management of any mitigation measures identified in a management and maintenance plan

Proposals should adopt a sequential approach to site layout.

### Flood risk off-site

5.21 The scheme has been designed to reduce surface water by 30% compared to the existing rate (as required under local policy in respect of drainage in ENV5) and so there would be no loss of floodwater storage onsite in accordance with the Council's Strategic Flood Risk Assessment. The latter is achieved by floodable voids beneath the building. These matters could be satisfied by way of planning conditions that there would be no increase in flood risk elsewhere.

#### Flood risk on-site

5.22 The site could be affected by a flood level of 10.617m during the 1 in 100 plus 30% climate change design storm. Bedrooms/studios and clusters are set at a raised level (10.92 AOD) and so would be reasonably defended from flood risk. All other ground floor uses would be at either 9.4 AOD or 9.65 AOD and therefore susceptible to flooding. This includes communal areas, circulation areas and the access/egress from the site. The applicants advise these could be subject to flooding during the design storm, therefore, to provide protection, demountable flood defences would be incorporated in the design of the scheme up to 10.92m AOD.

- 5.23 The scheme is regarded not to be reasonably safe for its lifetime and nor is it regarded to be sufficiently flood resilient. The arrangement would not provide safe access and egress in a time of flooding. The building is setback and set down in relation to the street; access and egress routes are set lower than Layerthorpe itself and are not at a sufficient level to protect them from flooding. In a flood event there would need to be early warning and occupants evacuated from the building, alternatively they would be required to take refuge in the studios / clusters or they could be rescued from the roof; they would be unable to use the communal amenities in the building or access and egress routes.
- 5.24 The scheme is in conflict with policy ENV5; the development would not be suitably safe from flood risk and it is not an appropriate design approach to set access and egress routes and communal areas at a lower level and consequently expect residents to be either stranded in the building or for them to find alternative accommodation in a flood event.

#### The Sequential Test

- 5.25 The Sequential Test is necessary. National planning advice in the NPPG advises "the approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas ... Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features".
- 5.26 For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.
- 5.27 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
- 5.28 The applicants have issued a Sequential Test (file date 13 June 2024). This includes a review of whether some of the housing allocation sites are reasonably

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available and direct correspondence with 6 property agents (they have also reviewed websites for property). Flexibility was applied in terms of the size of the site and site suitability for the development type proposed.

5.29 The Sequential Test is regarded not to be passed. It does not include a review of all planning permissions for PBSA, it does not assess all housing site allocations and it does not consider the suitability of site SH1: Land at Heworth Croft which is allocated for student housing.

### The Exception Test

- 5.30 The Exception Test requires it should be demonstrated that:
- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.31 The Exception Test is only applicable if the Sequential Test has shown that there are no reasonably available, lower-risk sites, suitable for the proposed development, to which the development could be steered.
- 5.32 Even if the Sequential Test were deemed to be passed, it is considered this scheme would still not pass the Exception Test. This fail is because wider sustainability benefits are limited and deemed not to outweigh flood risk; there are reasons for refusal because the scheme is not compatible with the priorities for delivering sustainable growth for York as set out in strategic policies SS1 and SS3; in respect of providing land for economic growth, meeting housing need taking into account affordability and affordable housing, conserving and enhancing the historic character of the city centre, the setting of the River Foss and biodiversity.
- 5.33 The scheme is unacceptable on flood risk grounds; the site is in Flood Zone 3 and the scheme is not designed to adequately mitigate against flood risk against current and future flood events. It does not provide for access and egress during a flood event and the majority of the ground floor area would be unprotected without demountable flood barriers. The scheme is also not appropriate in Flood Zone 3 as it has not been sufficiently demonstrated the Sequential Test is passed. The proposals are contrary to policy ENV4: Flood Risk and contrary to policies in the

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NPPF in respect of meeting the challenge of climate change, flooding and coastal change.

### **Drainage**

5.34 Policy ENV5 requires sustainable drainage. This involves controlling surface water run off and the use of sustainable drainage systems. It requires –

- For all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can demonstrated that it is not reasonably practicable to achieve this reduction in runoff.
- 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.

5.35 The drainage strategy issued is agreed in principle. Soakaway has been proven unsuitable on site therefore a connection to a watercourse is the preferred sustainable option. The run-off rates are agreed. The submitted Concept Drainage Strategy – Re: FAH-ZZ-00-DR-D-0010 Revision P3 dated 17th December 2024 included within Revision P5 proposes surface water connection to the River Foss at a restricted rate of 6.1 (six point one) litres per second (I/sec) with appropriate attenuation up to and including the 1 in 100-year event with 45% climate change event.

# **Design and conservation**

5.36 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.

Policy D1 in respect of assessing design provides advice on urban structure and grain, density and massing, streets and spaces, building heights and views and character and design standards. The explanation text refers to national best practice, including the National Design Guide.

- 5.37 Policy D2: Landscape and setting advises development proposals will be encouraged and supported where they:
- protect and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities;
- demonstrate a comprehensive understanding of the interrelationship between good landscape design, bio-diversity enhancement and water sensitive design;
- create a comfortable association between the built and natural environment and attain an appropriate relationship of scale between building and adjacent open space, garden or street.
- 5.38 The site is within the city centre and policy SS3: York City contains the following relevant design principles to be considered for development proposals-
- Conserve and enhance the existing historic character of York City Centre whilst encouraging contemporary high-quality developments that add to the sense of place and create a prestigious and desirable location for thriving businesses.
- Enhance the setting of the River Ouse and River Foss and their frontages, turning them into attractive, vibrant and bustling environments with improved access to the riverside and linkages to other parts of the city centre.
- 5.39 There are consistent development principles in policy DP2: Sustainable Development and DP3: Sustainable Communities in respect of conserving, and where appropriate enhancing, those elements which contribute to the special character and setting of the historic City and delivering high quality design of appropriate density, layout and scale.
- 5.40 The site is outside of the Central Historic Core Conservation Area. However, it has potential to affect the setting of the Conservation Area and the setting of Listed Buildings. Historic England consider that the harm that would be caused to the significance of York Minster and the County House; a modest level of less than substantial harm because the development would remove views of these buildings from Layerthorpe and it would challenge their landmark status due to the amount and scale of development proposed.
- 5.41 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 and where they safeguard important views guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views.

- 5.42 Policy D5: Listed Buildings advises 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. Harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.
- 5.43 The Central Historic Core Conservation Area Appraisal (CHCCAA) identifies Key Views and includes a management strategy.
- 5.44 The views of the Minster and County House from Layerthorpe through the site are not identified as key views in the CHCCAA. However, the management strategy advises in this respect that "although the Appraisal has identified a series of Key Views, this selection should not be considered a definitive list: the city's townscape is too rich and the Minster's prominence in the wider landscape of Yorkshire is too great ". It advises on new views and development outside of, but with potential to affect the character and appearance of the Central Historic Core Conservation Area (CHCCA). "In developing schemes at the pre-application stage, the City Council should identify and seek to secure attractive new views of the city as an integral part of development within it. Taller buildings beyond the Conservation Area could have a significant impact on the character and appearance of a number of Key Views because of the generally flat topography and low-lying skyline of the city".

### Impact on heritage assets

- 5.45 The scheme would overdevelop the site and be of excessive massing and scale to the extent it would detrimentally effect views, dominate and challenge the prominence of landmark buildings (the York Minster (Grade I) and Country House (Grade II)) on the townscape. There is conflict with policies D4 and D5 regarding Conservation Areas and Listed Buildings.
- 5.46 Views of the Minster are only possible due to the low height of buildings on this section of Layerthorpe. The street is a main approach into the city and it is envisaged this section of the street will inevitably be subject to a degree of regeneration. Buildings higher than 2-storey would impact views. Consequently, the Council's focus in terms of placemaking and impact on setting has been to promote the creation of a river walkway and open space riverside as development schemes come forward; creating new, and more attractive views of Heritage Assets. To provide views through the site, to enable an appreciation of the landscape character and context; the new riverside setting in juxtaposition of wider views of the historic core would be beneficial and follow advice in policy D1: Placemaking. As at

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other sites on this section of the River Foss, public access to the riverside could be secured through a legal agreement.

- 5.47 The scheme would lead to harm to significance however, because existing views would be lost. The impact on views and townscape is regarded to be less than substantial harm on the setting of the conservation area and listed buildings; a modest level of less than substantial harm was identified by Historic England and officers agree. This harm would not be offset by sufficient new public open space (in size and landscape type) that would better reveal views of the CHCCA and views of Listed Buildings in their townscape context.
- 5.48 The are not regarded to be public benefits to outweigh the harm. From an economic perspective there is a loss of employment land and the site is Flood Zone 3; so not necessarily appropriate for a residential use. In terms of housing need the city has a current 5-year housing supply. Giving due regard to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; section 66 advises that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and section 72 that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas, and considering the conflict with Local Plan policies, the identified harm is considered not outweighed by any pubic benefits derived from housing delivery in this case.

## Layout and scale

- 5.49 The proposals would involve an extension upward of the existing retaining wall at the bank of the River Foss. The building would be setback between 5.5m and 6.5m from the river, with the building inset only around 2m from each end of the plot. The riverside elevation would be 5-storey high (in part elevated by almost 1.5m with floodable void below). Between Heworth Green and the site all other redevelopment schemes have been setback substantially (typically in excess of 15m) from the riverside and there is space, and therefore views, between buildings.
- 5.50 The scheme due to the proposed river wall, lack of openness (due to the amount of development proposed on-site), building scale, and its proximity to the riverside would be unduly imposing over the river and form a significant departure from the landscaped riverside setting. The landscape setting to the river that would result as a consequence of the scheme would conflict with policy SS3 in respect of enhancing the setting of the river and policy D1: Placemaking in respect of design

points on urban structure and grain; to enhance and complement the character and appearance of landscape, city parks, landforms, open space, planting and boundary treatment and streets and spaces; to promote legibility, improve the quality of public realm and the wider environment, and to provide a pattern of continuity and enclosure. There is conflict also with policy D2: Landscape and setting in not creating a comfortable association between the built and natural environment taking into account the scale and amount of development and its relationship to open space, biodiversity enhancement and water sensitive design.

- 5.51 In plan form the proposed development covers a considerable amount of the plot with very limited open space and public realm. The building is a mix of 4 and 5 storey. Whilst there are tall buildings in the Layerthorpe area and around the River Foss (similar in storey height to this scheme), they are generally either in more spacious plots, consequently there is a stronger degree of openness, or they form part of a larger composition of blocks of development in an urban setting away from the riverside.
- 5.52 Due to the massing of the development, it would be unduly imposing and overdominant over its setting and out of character. Its excessive impact would be apparent in both views along Layerthorpe and from the riverside and Foss Bank. The scheme in terms of its density and massing is country to policy D1: Placemaking; it would not be appropriate for its context and it would unduly dominate its wider setting, including other buildings and spaces.

## **Detailing**

- 5.53 The building is regarded to be excessive in its volume and height. Whilst there are cases of tall buildings with flat roofs in the Layerthorpe area, this site is regarded as being more sensitive due to its proximity to the river and the City Walls. In applying design principles and recommendations in strategic policies DP2, DP3, SS1, SS3 and D1 which all relate to conserving, and where appropriate enhancing, those elements which contribute to the special character and setting of the historic City by ensuring that development is in acceptable locations and of the highest standards in terms of urban design and detailing, a building of the volume and scale proposed and with flat roofs would not be appropriate.
- 5.54 The general architectural detailing and materials of the building's facade is however regarded acceptable. The building would be of red brick which is respectful of its setting. The building adheres to good design principles and the local vernacular found in the city centre in that the building has a strong base and appears grounded due to the arched detailing, appearing as a colonnade at ground

level, combined with a more generous floor to ceiling height at this level. Based on the scheme submitted, officers agree with the Civic Trust (in the first comment) that alternative proportions to the top floor, and a less vertical emphasis to the 5-storey riverside elevation would be beneficial. The supporting images show a depth to the façade and detailing around windows that would generate visual interest. It would be typical for large scale details of such details, shown in section could be secured through the use of a planning condition.

5.55 The composition of uses means open spaces will have natural surveillance and there will be an active frontage onto the street. The approach is acceptable therefore in respect of Secure by Design principles.

#### Open space

- 5.56 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).
- 5.57 The applicant's planning statement advises accessible and useable soft and hard landscaping on the ground and roof floors totals 1647.6sgm.
- 5.58 For a scheme with 220 occupants the Open Space and Green Infrastructure Update advises requirements would be as follows -

Amenity – 8,910sqm (minus 1647.5sqm = 7,262.5sqm shortfall) Amenity off-site contribution would be £27,077.50. Sports off-site contribution would be £46,860.

5.59 Whilst it is accepted the site is of insufficient size to accommodate all required open space on site it is considered that the site is overdeveloped and consequently unduly lacking in on site amenity space, in particular at the riverside where it would be most beneficial in terms of its contribution to the wider setting, biodiversity and the amenity of future occupants.

## **Amenity for future residents**

5.60 In terms of design standards policy D1 refers to national best practice, including the National Design Guide. In respect of homes and buildings the guide states well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and wellbeing of their users (including the provision of shared and public spaces contributing to social interaction and inclusion) and all who experience them.

5.61 As specified in the open space section, the scheme does not provide the amount of external amenity space required by policy GI6. In terms of the internal arrangement, amenity for future residents would be reasonable. The scheme provides access for persons with restricted mobility. It provides a reasonable proportion of accessible rooms (5.5%) and parking for blue badge holders. There is space for over-sized cycles. A daylight sunlight assessment confirms there will be a reasonable level of daylight and outlook to rooms and there are communal spaces for activities within the building at ground level, in addition to communal living/dining rooms in clusters. There are no national or local space standards for PBSA. The bedrooms are considered of reasonable size and layout; a typical studio room size is 18.3sgm and a cluster bedroom 13.6sgm. Each scheme the Council has assessed typically has a subtle variety of room sizes. The proposed rooms are not materially different in size to other approved schemes. The only PBSA scheme which has been refused on amenity grounds contained only studio rooms and a limited amount of communal amenity space (1sqm per room). This scheme contains a mix of studio and cluster rooms plus it has 335sqm communal space at ground level providing amenities such as common room, gym, cinema and private dining room.

## **Archaeology**

5.62 Policy D6: Archaeology states development proposals that affect archaeological features and deposits will be supported where –

- they are accompanied by an evidence-based heritage statement that describes the significance of the archaeological deposits affected
- they will not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal.

- they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk
- the impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed

5.63 In this case it has been agreed that due to current occupation of the site a more comprehensive site investigation could be secured through planning condition.

### **Ecology**

5.64 The legal requirement for Biodiversity Net Gain, to achieve a 10% gain is applicable to this scheme. Relevant local policy is GI2: Biodiversity and Access to Nature. Policy GI2 states that in order to conserve and enhance York's biodiversity, any development should where appropriate maintain and enhance the rivers, banks, floodplains and settings of the Rivers Ouse, Derwent and Foss, and other smaller waterways for their biodiversity, cultural and historic landscapes, as well as recreational activities where this does not have a detrimental impact on the nature conservation value.

5.65 The measures to meeting 10% BNG have been issued and propose a mix of on and off site measures. The legislation requires a biodiversity net gain plan be secured through the biodiversity gain condition. This must be approved prior to commencement. A management plan could be secured through planning condition.

5.66 The Council's Ecologist advises that the design maintains the current approach of hardstanding up to the river's edge with minimal consideration for providing habitat enhancements or creation that would improve the river corridor. They would have preferred to see a scheme which incorporated the River Foss in a more integrated way that provides benefits for biodiversity and a more diverse habitat such as wildflower grassland (other neutral grassland) that would provide benefits for wildlife/pollinators. The scheme would only maintain the biodiversity value of the river and the river bank; it does not therefore fulfil the policy requirement in GI2 which requires development maintains and enhances (where appropriate) rivers and riverbanks for their biodiversity value.

### Sustainable design and construction

- 5.67 Policy CC2 states all new non-residential development with a total internal floor area of 1000m2 or greater should achieve BREEAM 'Excellent' (or equivalent), where feasible and viable.
- 5.68 Policy CC2 compliance could be secured by planning condition. A comprehensive report has been submitted in respect of BREEAM which evidences the scheme is targeting the required Excellent rating.

#### Land contamination

5.69 Policy ENV3: Land Contamination states development of a site known to be or which has the potential to be affected by contamination will be permitted where the proposed remedial measures deal effectively with the levels of contamination to ensure there are no significant impacts on human health, property, groundwater or surface water. Where proposals are acceptable in principle, planning permission will be granted subject to conditions – this is the case in this instance.

### **Highway network management**

- 5.70 Section 14 of the Local Plan, in respect of transport includes a strategic theme to implement behavioural change in respect of sustainable travel.
- 5.71 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.
- 5.72 Policy T8: Demand Management does not itself set parking standards; the intent of the policy is to reduce congestion, minimise private vehicle trips and car ownership and promote sustainable travel.
- 5.73 Current conditions for pedestrians and in particular cyclists are poor on this section of Layerthorpe. The Council's York Map data shows the cycle lane on this Application Reference Number: 24/01077/FULM Item No: 5b

### Page 140

section of Layerthorpe is on-road (despite high volumes of traffic) and incomplete. The applicants Transport Assessment identifies damage to the footway and no offroad cycle lanes. Officers add that the road only has a partial, and faded cycle lane. However, no improvements were recommended in the Transport Assessment and nothing is proposed as part of the scheme.

- 5.74 Following the strategic objectives of the Local Plan, at pre-application stage the developer was requested to consider highway improvements and officers consider there is scope for active travel improvements on this section of Layerthorpe. Improvement works would be reasonable and proportionate to the amount of development proposed.
- 5.75 The amount of cycle parking is regarded sufficient and the revised scheme provides reasonable dimensions for each type of provision. The aisle width (2.5m-2.9m) of the 2-tier stands does meet the manufacturers recommendations. 159 cycle parking spaces (72% provision) is proposed at the outset, although there would be space for additional spaces. There are 6 spaces for over-sized cycles.
- 5.76 Access and servicing A vehicle entrance is proposed on the north side of the site. It includes a turning area and a passing place. The space will have a low level of use; accommodating 4 accessible parking spaces and access for building maintenance and deliveries. Tracking details have been supplied in the transport assessment which show the layout accommodates all servicing vehicles.

# **Planning obligations**

# Affordable housing

- 5.77 Policy H7 states that for new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City. The policy advises how the off-site contribution would be calculated. It states that where a developer considers the contribution cannot be fully met, they should justify the level of provision proposed through an open book appraisal to demonstrate to the Council's satisfaction that the development would not otherwise be viable.
- 5.78 The developer has submitted a viability assessment as evidence that the scheme cannot afford to provide for an off-site affordable housing contribution (or any planning obligations). This has been subject to an independent review of the build cost and an independent viability review. The independent review undertaken on behalf of the Council concluded that the scheme could afford to provide the obligations required by Local Plan policy H7. The scheme was considered viable as

it was found that the forecast build costs were lower than those proposed by the developer. The disagreement in respect of planning obligations and conflict with policy H7 due to no affordable housing contribution is a recommended reason for refusal.

### Open space

- 5.79 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).
- 5.80 Contributions could be sought through a s106 obligation and would be as follows –

Amenity off-site contribution would be £27,077.50. Sports off-site contribution would be £46,860.

Monitoring Fees would also be required for any planning obligations. The charging rate is £1,510 per item.

#### 6.0 CONCLUSION

- 6.1 The proposals are recommended for refusal because there is conflict with policies EC2, related to loss of employment land and H7, related to purpose-built student accommodation of the Local Plan; the principle of the proposed use is therefore not policy compliant. In terms of the specifics of the scheme itself, there are also reasons for refusal due to the design of the scheme and conflicts with policy in respect of flood risk (conflict with ENV4), place making, the impact on designated Heritage Assets (conflict with policies DP2, DP3, SS3, D1, D2, D5, GI6, T1) and biodiversity (conflict with policy GI2).
- 6.2 The scheme is also in conflict with policies H7 (affordable housing) and GI6 (open space provision) because the applicant has not agreed to providing the planning obligations required under each policy. The scheme has been subject to an independent viability review undertaken on behalf of the council and the review did find that the scheme could afford to provide for the obligations.

#### 7.0 RECOMMENDATION: Refuse

- The proposed redevelopment of the site would conflict with policy EC2 Loss of Employment Land. The application does not demonstrate that the site is not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and nor does it demonstrate that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The proposals are therefore contrary to the Local Plan in respect of delivering the city's economic ambitions by providing sufficient land to meet the level of growth set out in the Spatial Strategy in policy SS1: Delivering Sustainable Growth for York.
- 2 The scheme is contrary to policy H7: Student Housing in that there is no agreement in principle that 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. The proposals are contrary to the requirements of policy H7 which seeks to control occupy to ensure that development only comes forward when it is needed and that it does not suppress affordability of accommodation and delivery of affordable housing in general. The scheme is contrary to the deliverability of affordable housing as explained in the spatial strategy, in policies H7: Student Housing and SS1: Delivering Sustainable Growth for York. There is also conflict with policy SS3: York City Centre specifically the principle to deliver sustainable homes that provide quality, affordability and choice for all ages, including a good mix of accommodation.
- 3 The scheme is unacceptable on flood risk grounds; the site is in Flood Zone 3 and the scheme is not designed to adequately mitigate against flood risk against current and future flood events. It does not provide for access and egress during a flood event and the majority of the ground floor area would be unprotected without demountable flood barriers. The scheme is also not appropriate in Flood Zone 3 as it has not been sufficiently demonstrated the Sequential Test is passed. The proposals are contrary to policy ENV4: Flood Risk and contrary to policies in the NPPF in respect of meeting the challenge of climate change, flooding and coastal change.
- The proposals due to the amount, scale and form of development proposed, would be overbearing and over-dominant in its context and wider setting and fail to respect the qualities of the urban grain of the riverside in the vicinity of the site. The unacceptable scale and built form would result in a lack of appropriate landscaping being achieved.

The proposal is therefore unacceptable in design terms, would fail to respect, conserve or enhance the special historic character of the city centre and setting of the riverside. The proposals conflict with Local Plan policies SS3: York City Centre, D1: Placemaking, D2: Landscape setting and GI6: New Open Space Provision.

- Due to the lack of active travel provision within the public realm in the vicinity the site (in the form of a safe and LTN 1/20 compliant cycle lane on Layerthorpe and footpath improvements) the proposals fail to sufficiently contribute towards delivering a fundamental shift in travel by prioritising and improving pedestrian and cycle networks. The scheme is unacceptable in active travel terms and not compliant with Local Plan policies DP2: Sustainable Development and T1: Sustainable Access and the Local Transport Strategy 2024-2040 (as referred to in section 14 of the Local Plan) in respect of providing safe and suitable pedestrian and cycle networks associated with maximising the use of more sustainable modes of transport, reducing carbon emissions and improving active travel, health and wellbeing.
- The scheme would overdevelop the site and be of excessive massing and scale to the extent it would detrimentally effect views of and dominate and challenge the prominence of landmark buildings (the York Minster (Grade I) and Country House (Grade II)) on the townscape.

The impact on views and townscape is regarded to be less than substantial harm on the setting of the conservation area and the setting of listed buildings; a modest level of less than substantial harm. The identified harm would not be offset by sufficient new public open space (in size and landscape typology) that would consequently better reveal views of the Central Historic Core Conservation Area and views of Listed Buildings in their townscape context. The are not regarded to be public benefits to outweigh the harm. There is conflict with Local Plan policies D4: Conservation Area and D5: Listed Buildings.

- The scheme would not enhance the biodiversity of the River Foss and its bank and such measures are deemed appropriate in this instance. The proposals are therefore contrary to policy GI2: Biodiversity and Access to Nature which seeks to conserve and enhance all sites and areas of biodiversity value in York.
- The lack of planning obligations offered in respect of affordable housing and open space contributions are contrary to Local Plan policies H7: Student Housing and Gl6: New Open Space Provision. The scheme is contrary to the vision and development principles of the Local Plan, within policy DP2: Sustainable Development; to provide good quality homes, addressing the housing and community needs of York's current and future population and to preserve and enhance York's green infrastructure and policy SS1: Delivering Sustainable Growth for York, in respect of delivering at least 45% of the 9,396 affordable dwellings that are needed to meet the needs of residents unable to compete on the open market.

### **8.0 INFORMATIVES:**

### **Notes to Applicant**

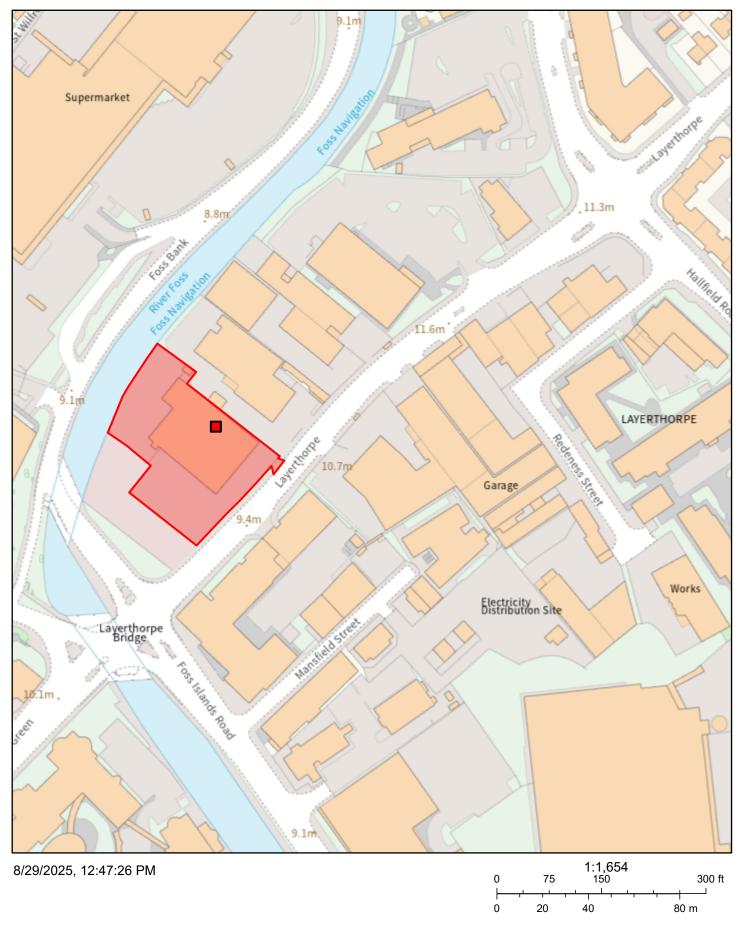
### 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome: provided pre-application advice and advised on the issues identified with the scheme, and in this respect allowed one opportunity for the scheme to be revised to address objections. Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

**Contact details:** 

**Case Officer:** Jonathan Kenyon 01904 551323

# 24/01077/FULM - 17 - 27 Layerthorpe YO31 7UZ







# Planning Committee A

To be held on 11<sup>th</sup> September 2025

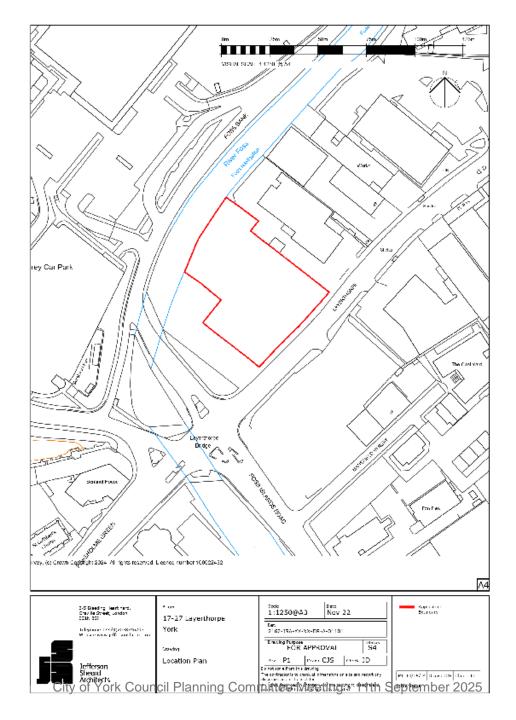
# 24/01077/FULM – Turnbull Mazda, 17-27 Layerthorpe, York

Demolition of existing car showroom (sui generis) and erection of a purpose-built student accommodation (sui generis) with up to 220 units and associated landscaping and parking.



### Site Location Plan









Google Earth Aerial Image of Site and context

# Layerthorpe looking toward site frontage





Foss Bank Road looking toward application site





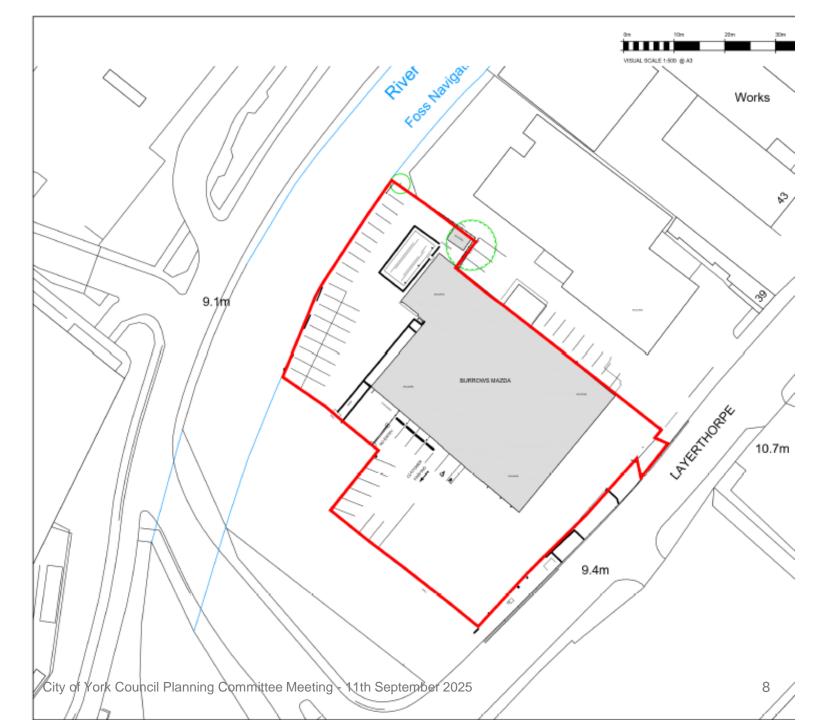
Foss Islands Road looking toward Layerthorpe





# **Existing Site Layout**



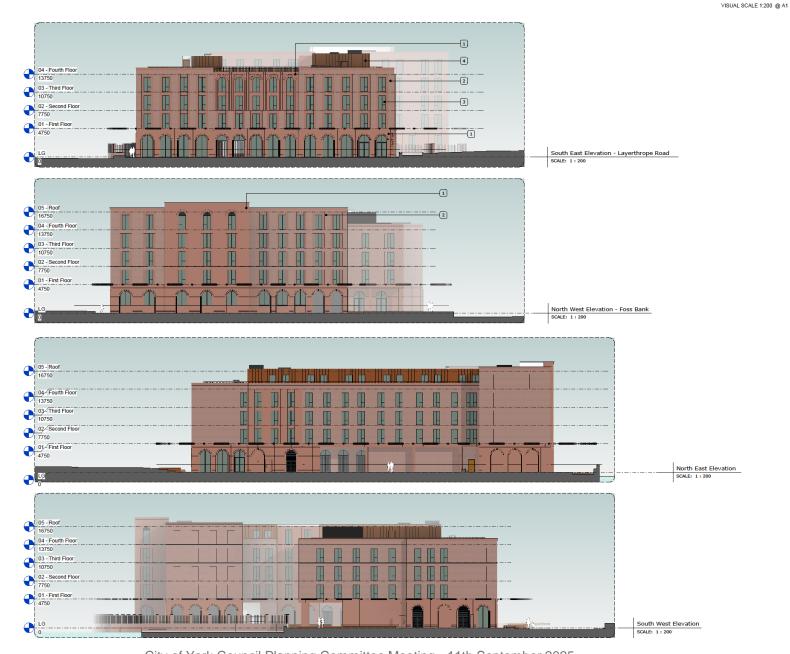


## Proposed Site Layout Plan





### **Proposed Elevations**





City of York Council Planning Committee Meeting - 11th September 2025

Construction throughout the construction of th

Pigmented concrete
finish

Standard brick finish.

 Double glazed window unit Frame colour:

 Standing Seam Metal Cladding.

5. Metal Louvre Screen to M&E Plant. Colour to match standing seam

Page

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Fiverside building feaceds/footprint: set back increased. General 27/11/24 CC building layout updated, sisued to Date By Description Date By

1st Floor 3 Bleeding Heart Yard London EC18 8S3 Telephone+44(0)203 8746 Website www.jeffersonshee

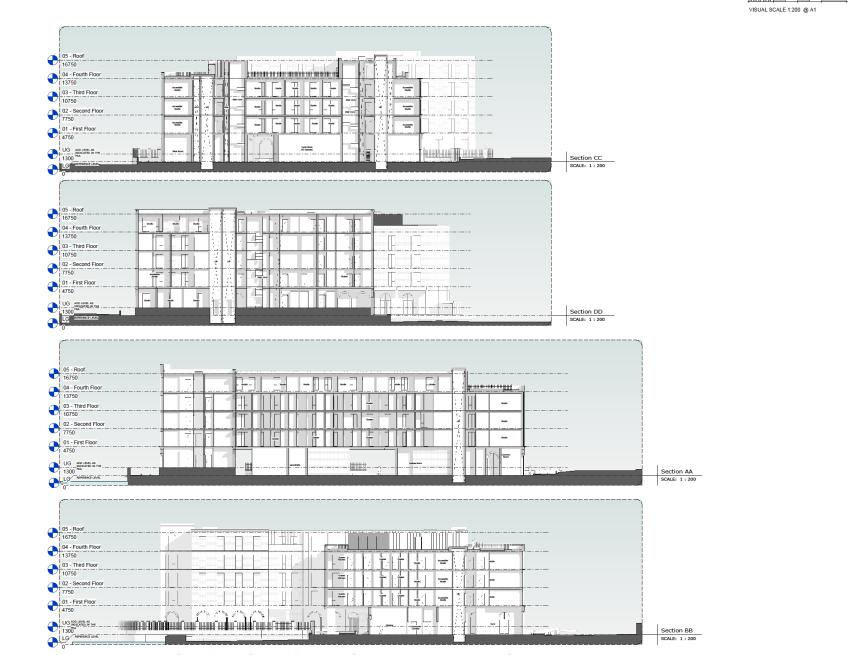


17 - 27 Layerthorpe Road, York

Drawing GA Elevations

GA Elevation

## **Proposed Sections**





City of York Council Planning Committee Meeting - 11th September 2025

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	1st Floor 3 Bleeding Heart Yard London EC1N 8SJ
	Telephone+44(0)203 8746: Website www.jeffersonshea
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	Jefferson Sheard Architects

Project 17 - 27 Layerthorpe Road, York

Drawing GA Section

### Proposed First, Second and Third Floor Plan





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Notes

Typical Floor Habitable Rooms (x3) Name Count

Accessible 4 Studio 27 Studio 29

Total: 60

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17 - 27 Layerthorpe Road, York

Drawing First/Second/Third Flo

# Proposed Fourth Floor Plan



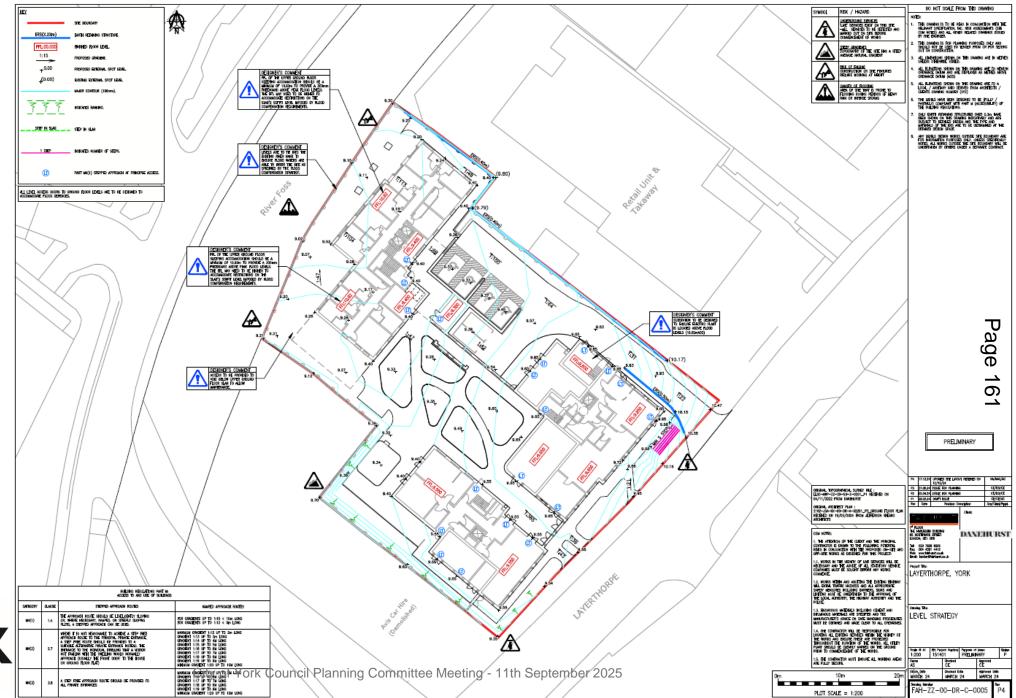


# Proposed Landscaping Scheme





Levels Strategy from Flood Risk Assessment





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**COMMITTEE REPORT** 

**Date:** Ward: Osbaldwick And Derwent **Team:** East Area Parish: Murton Parish Council

**Reference:** 24/02303/FULM

**Application at:** Land Comprising Field Adjacent To Gells Farm Murton Way York

For: Installation of a Battery Energy Storage System (BESS) and

associated infrastructure, including access, a high voltage substation, inverters, switchgears, fencing, CCTV, landscaping

and biodiversity enhancements

By: Mr Aaron Jackson
Application Type: Major Full Application

Target Date: 20 March 2025

Recommendation: Approve

#### 1.0 THE SITE & PROPOSAL

#### The Site

- 1.1. The site covers approximately 9.7ha and is currently used for agriculture as part of the pastoral and arable agricultural holding at Gells Farm Osbaldwick. The site is within the Green Belt. The site is located approx. 350m to the east of Osbaldwick and bound to the north by Murton Way, to the northeast by agricultural fields and residential properties (including Gells Farm), to the southwest by the Osbaldwick Substation and by agricultural fields at all the remaining boundaries. The edges of the site are generally formed by hedgerows and trees as part of recognised field boundaries.
- 1.2. To the south of the site is the 400 kV Osbaldwick Substation. There are currently 5no. overhead power lines with associated pylons connected to the substation, two of which cross the site. Immediately adjacent to the east of Osbaldwick Substation is an operation 50MW BESS scheme. To the west and northwest of the Site are a series of business parks accommodating a number of commercial, industrial and employment uses. To the north of the site, on the opposite site of Murton Way, is a field in which planning permission has recently been granted at appeal for a BESS scheme.

#### The Proposed Development

1.3. The application is for the installation of a 249.9MW Battery Energy Storage System (BESS) consisting of 272no. 4MWh BESS containers. BESS can provide a

flexible back-up power source to the grid which responds to variations in demand by importing (storing) electricity from the grid at times of excess supply and exporting electricity back to the grid at times of high demand or reduced generation capacity. This is referred to as a 'balancing service.'

- 1.4. Each of the 272no. BESS containers is approximately 6m long, 2.4m wide and 3m high and would be finished in Moss Green (RAL 6005) or similar. The battery units would be modern Lithium Iron Phosphate (LFP) batteries or similar. The BESS would be ground mounted and set a minimum of 3m apart. In addition there would be a high voltage substation compound; 5no. customer switch rooms (12m long, 4.6m wide, 2.85m high); 5no. Auxiliary transformers; 34no. medium voltage skid (10.7m long, 6.9m wide and 3.9m high); 4no. spares storage containers (6.5m long, 2.4m wide and 2.9m high); and 2no. water tanks with a capacity of 230 cubic metres.
- 1.5. The high voltage (HV) substation compound would be situated within the southwest corner of the BESS compound. This would be the mechanism for transporting electricity via underground cables between the proposed development and the Osbaldwick Substation. The tallest piece of infrastructure in the compound (the transformer set on a concrete pad) could extend to 12.m in height.
- 1.6. The BESS Compound would be enclosed by a circa 2.4m high weldmesh fence finished in Moss Green (RAL 6005) or similar and the substation would be secured by circa 2.4m high palisade fencing. CCTV cameras would be mounted on 3.5m high monopoles. Lighting is intended to be minimal, PIR sensor triggered and low level directional. No continuous lighting of the site is proposed.
- 1.7. Access would be provided in the northwest corner of the site from Murton Way. During the construction phase the site gates would be set back at least 20m for HGV access. Once operational the access would be kept open but with security gates located at the two entrances to the BESS Compound.
- 1.8. Landscaping includes the retention of the existing boundary hedgerows to be enhanced and maintained going forward at a height of 3.5m. New additional hedgerows will be planted. Specimen trees are proposed along the majority of site boundaries with denser areas of native woodland planting at the northern boundaries. Biodiversity net gain enhancements include seeding 2.1ha of species diverse grass mix and 1.6ha of grazing mix.
- 1.9. The proposed development would be sought on a temporary basis for 40 years at the point when the BESS first becomes operational (i.e. electricity connection becomes 'live'). Following this timeframe it is proposed that operations would cease, infrastructure decommissioned and removed and the site fully remediated to be converted back to agricultural use if no further planning application is forthcoming.

#### Site History

23/01706/FUL - APPROVED (07.11.2023)

Construction of vehicular access.

22/00137/EIASN - EIA NOT REQUIRED (04.03.2022)

Screening opinion in respect of the installation of a 50MW Battery Energy Storage System on land at Gells Farm

#### 2.0 POLICY CONTEXT

- 2.1. Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise.
- 2.2. The development plan is the City of York Local Plan.

#### CITY OF YORK LOCAL PLAN

- 2.3. The City of York Local Plan was adopted on 27 February 2025. Local Plan policies relevant to the determination of this application are:
- 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
- GI1 Green Infrastructure
- G2 Biodiversity and Access to Nature
- GI4 Trees and Hedgerows
- GB1 Development in the Green Belt
- CC1 Renewable and Low Carbon Energy Generation and Storage
- CC2 Sustainable Design and Construction of New Development
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV5 Sustainable Drainage
- T7 Minimising and Accommodating Generated Trips

#### MURTON NEIGHBOURHOOD PLAN

- 2.4. Following the decision to proceed to Referendum by the Council's Executive on 22 April 2025, the Murton Neighbourhood Plan Referendum took place on 10 July 2025. The positive result from the Referendum means that the Neighbourhood Plan came into legal force with immediate effect and has become part of the statutory development plan for York. The City of York Council will formally 'make' the Murton Neighbourhood Plan at its Executive meeting on 2 September 2025. The 'making' of the Neighbourhood Plan at that stage is considered to be a procedural formality.
- 2.5. Relevant Neighbourhood Plan Policies include:
  - Policy ENV2: Green Infrastructure
  - Policy ENV3: Historic Environment
  - Policy ENV4: Design
  - Policy ENV6: Flood Risk Management
  - Policy EMP1: Employment
  - Policy TRA1: Traffic and Movement

#### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.6. The NPPF is a material consideration relevant to the determination of this application. The relevant sections of the NPPF for the determination of this planning application are:

Section 1: Introduction

Section 2: Achieving Sustainable Development

Section 3: Plan Making

Section 4: Decision Making

Section 11: Making effective use of land

Section 12: Achieving well designed places

Section 13: Protecting Green Belt land

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

2.7. The Planning Practice Guidance ('PPG') is a material consideration in planning decisions.

#### 3.0 CONSULTATIONS

**INTERNAL** 

#### **Public Protection**

- 3.1. No objection. However, past activities and land use could potentially have given rise to land contamination, so a site investigation is needed to find out whether contamination is present. Land Contamination conditions are recommended to this effect.
- 3.2. The applicant has submitted an updated noise assessment dated 6/2/25 to explain the sound reduction qualities of a caravan and the resultant noise levels with the caravans as a result of BESS operation. The noise from the BESS operation is of low impact and will not cause any adverse impact to the occupiers of the caravans (R7).

#### Strategic Planning Policy

3.3. The land in question lies within the York Green Belt. The applicants have identified a number of criteria which they argue justify very special circumstances, including an urgent need for a battery storage facility, no other sites available which are not in the Green Belt, low impact design, environmental enhancements, a temporary development and economic and social benefits brought about by the scheme. In terms of the visual impacts of the scheme, further advice should be sought from the Council's Landscape Architect. There would be some loss of good quality agricultural land and the scheme is located close to residential properties and heritage assets.

#### <u>Design and Conservation – Landscape Architect</u>

- 3.4. The landscape architect finds that within the scope of the methodology of the Landscape and Visual Appraisal (LVA), the appraisal is reasonable. The landscape architect notes that any variance in judgement between themselves and the LVA author would be minor and not cause significant disagreement. While the proposed landscape enhancements reflect the area's character and offer visual and ecological benefits, these are outweighed by the harmful and irreversible impact of extensive hardstanding that fundamentally alters the open countryside setting.
- 3.5. The development would significantly harm the site's arable countryside character by replacing much of it with industrial structures and extensive hard surfacing. However, due to the localised influence presented by the development, the adverse effects on the wider landscape character type (LCT28: Vale Farmland with Plantation Woodland and Heathland) would be minor.
- 3.6. Although the site's flat topography would remain, uncertainty over the management of excavation spoil raises concerns about potential unnatural and lasting alterations to the landscape.
- 3.7. The battery storage units and other components would be finished in a dark green colour which in the visualisations renders them quite recessive in the context

of the proposed/existing vegetation. While most of the development is low in height, the taller HV substation components would be visible above hedgerows from nearby viewpoints, though not prominently from the wider area. The visual impact of the development would be greater during times when leaf cover is absent.

3.8. The development would cause significant visual harm when viewed from Murton Way and Hull Road and would extend the industrial presence toward the A64. All of this would contribute to the gradual degradation of the rural landscape between Murton Way and Hull Road, though the overall impact is geographically limited.

#### **Lead Local Flood Authority**

3.9. Conditions are recommended in the event of an approval. SUDS strategy agreed in principle.

#### Design and Conservation - City Archaeologist

3.10. The results of the geophysical survey are trusted. No further investigation is requested. The cumulative visual impact of this and similar application in this area should be considered as they may have a detrimental impact on the setting of the city as viewed from the ring road.

#### Public Rights of Way Officer

3.11. There are no PROWs within or in the vicinity of the proposed development. The PROW team have no comments to make on the proposals.

#### Design and Conseravtion - Ecology

3.12. No objections to the proposal but draft conditions recommended.

#### Highways Development Control

3.13. HDC cannot support the application, because there is insufficient vehicle swept path analysis

#### **EXTERNAL**

#### North Yorkshire Fire and Rescue

3.14. The York and North Yorkshire Combined Authority in its capacity as Fire and Rescue Authority ("YNYCA") offer the following observations to the proposed development: The National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESS Design Guidance(nfcc.org.uk)

should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.

#### Yorkshire Water

3.15. Recommended a condition relating to the implementation of the flood risk assessment.

#### Murton Parish Council

- 3.16. The Parish Council strongly objects to the proposed BESS. This is because the proposal is considered to have a detrimental impact on the rural separation between Osbaldwick and Murton. The proposal is clearly 'inappropriate development' in the Green Belt. The delivery of ST7 (Land East of Metcalfe Lane Local Plan Policy SS9) in conjunction with this proposal will seriously compromise the Green Belt in this location.
- 3.17. Concerns regarding the loss of productive farmland. The 40-year limit is unrealistic as the cost of rehabilitating the site would be unrealistic. Once the land is 'industrialised' and taken out of food production, it will never return to its former use.
- 3.18. The Parish have requested conditions to be imposed in the case of an approval. These include an alternative access to that on Murton Way; further scrutiny of safety implications by the LPA, Fire Service and Environment Agency; and community gains for the local area to benefit for example creation of PROWs.

#### **Environment Agency**

3.19. No objection. Informatives recommended.

#### Northern Gas Network

3.20. No objection.

#### North Yorkshire Police

3.21. The security arrangements are appropriate for this proposal.

#### Foss (2008) Internal Drainage Board

3.22. The Board recommends that any approval granted to the proposed development should include a drainage condition.

#### 4.0 REPRESENTATIONS

4.1. A total of 4no. objection comments and 2no. support comments had been received at the time of writing, including representation from the Ward Councillor who objects to the proposal. Osbaldwick Parish Council have also objected to the application. Osbaldwick Parish Council are not the Parish Council for the site. Where individuals have submitted multiple representations, these have been counted as one representation in total.

#### Ward Councillor – Cllr Mark Warters

4.2. Cllr Warters objects to the destruction of productive farmland and industrialisation of Green Belt land between Osbaldwick and Murton is important to keep open to maintain the separation between the villages of Osbaldwick and Murton. The Cllr does not consider that the climate emergency should be justification for the development which they consider to be in pursuit of financial gain. The Cllr disagrees that lithium BESS systems are safe, especially so many units in close proximity, and puts forward the position that the extraction of lithium, boron and like substances is destructive to the environment in the areas of extraction. The Cllr concludes by stating that food security should be of primary importance.

#### Osbaldwick Parish Council

- 4.3. Osbaldwick Parish Council strongly object to the proposal. The development is inappropriate development in the Green Belt and will have a detrimental impact on the rural separation between Osbaldwick and Murton. The delivery of ST7 (Land East of Metcalfe Lane Local Plan Policy SS9) in conjunction with this proposal will seriously compromise the Green Belt in this location.
- 4.4. Concerns regarding the loss of high-grade farmland. No faith in the enforcement of the 40 year 'temporary' use of the site and its return to agriculture. Once the land is 'industrialised' and taken out of food production, it will never return to its former use. A dark sky area will be lost.
- 4.5. Construction and maintenance access taken from Murton Way is unacceptable. Residential properties will be adversely affected by the construction process. The fire safety strategy plan is inadequate to address concerns over the possibility of 'thermal runaway' events and the pollution impacts in the event of a major fire event.
- 4.6. Summary of the objection comments received:
  - Loss of agricultural land
  - Inappropriate development in the Green Belt
  - Disruption to the road network

- High concentration of BESS in a small area
- Site is a natural flood plain, vulnerable to groundwater contamination
- Safety concerns and fire risk
- Energy not necessarily from renewable sources
- No long-term benefit to the proposal
- Visual impact on residential properties
- Loss of natural habitat
- Light pollution
- Noise pollution
- 4.7. Summary of support comments received:
  - Support transition to renewable energy (if fire risk and noise is suitably addressed)
  - Green infrastructure need

#### 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 (including grey belt assessment; impact on openness and Green Belt Purposes; enhancing the beneficial use of the Green Belt)
  - Landscape and visual assessment
  - Ecology and Biodiversity Net Gain
  - Archaeology
  - Highways
  - Drainage
  - Public Protection
  - Neighbour Amenity
  - Fire Safety
  - Loss of agricultural land
  - The case for very special circumstances

#### PRINCIPLE OF DEVELOPMENT

#### **Policy Context**

5.2. Policy CC1 (Renewable and Low Carbon Energy Generation and Storage) of the Local Plan is supportive of renewable energy developments where the impacts 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. Proposals for renewable and low carbon energy storage developments will be supported and encouraged subject to demonstrating that impacts on the above considerations are acceptable where relevant. Developments are required to be sited a suitable distance from major residential areas and have suitable fire suppression procedures.

- 5.3. Paragraph 161 of the NPPF (December 2024) states that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. Paragraph 168(a) states that when determining planning application for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
- 5.4. Additionally, there is a plethora of Government publications which support renewable energy in all its forms. It is Government policy to reduce carbon emissions, and the UK has legally binding targets. Although not strictly applicable to this proposal National Policy Statements EN-1 and EN-3 explain the national imperative for renewable energy in order to combat climate change. Energy storage is described as having a key role to play in achieving net zero.

#### <u>Assessment</u>

5.5. As required by the NPPF, significant weight is to be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. Policy CC1 is also clear that renewable and low carbon energy storage developments will be supported and encouraged subject to demonstrating that impacts are acceptable. The impacts on 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 are considered below.

#### **GREEN BELT**

#### **Policy Context**

5.6. The site is wholly within the Green Belt. Local Plan Policy SS1 (Delivering Sustainable Growth for York) details the spatial strategy for York by directing development to the most sustainable locations. Local Plan Policy SS2 (The Role of York's Green Belt) supports the spatial strategy and 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 one of the exceptions set out in Local Plan Policy GB1 apply.

- 5.7. Local Plan Policy GB1 (Development in the Green Belt) states that inappropriate development in the Green Belt will not be approved except in very special circumstances and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Exceptions are listed within the policy. The proposed development does not fall within any of the exceptions. The policy goes on to list forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The proposal is not one of the forms of development listed in the policy.
- 5.8. Paragraph 160 of the NPPF states that when located in the Green Belt, elements of 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.
- 5.9. Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all of the following apply:
  - (a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - (b) There is a demonstrable unmet need for the type of development proposed;
  - (c) The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of this Framework; and
  - (d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
- 5.10. The City of York Local Plan is silent on matters of grey belt. For the purposes of plan-making and decision-making, 'grey belt' is defined in the NPPF 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. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

#### Assessment

5.11. The proposed BESS facility is not considered to fall within any of the exceptions in Policy GB1. 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.

#### Grey belt assessment

- 5.12. The developer does not consider the site to be grey belt as defined by the NPPF. Nevertheless, the Council has considered whether the site meets the definition. To aid this assessment, the Council has used the grey belt assessment criteria set out in the Planning Practice Guidance (PPG), paragraphs 64-002 to 64-010.
- 5.13. The site is undeveloped so does not represent previously developed land. To understand the contribution of the site to purposes (a), (b) and (d) it is necessary to consider the evidence within Topic Paper 1 Approach to defining York's Green Belt Addendum (2021) Annex 3: Inner Boundaries (from here on referred to as Annex 3 only) which forms part of the adopted local plan evidence base. The relevant section for the application site in Annex 3 is Section 6, Boundary 22 Osbaldwick Link Road Industrial Units. The contribution of the site to purposes (a), (b) and (d) are considered as follows:

#### Purpose (a): "To check the unrestricted sprawl of large built-up areas"

- 5.14. Planning Practice Guidance is clear that this purpose relates to the sprawl of large built-up areas and that villages should not be considered large built-up areas. Murton is a village so the 'sprawl' of Murton would not be relevant. However, Osbaldwick is not obviously distinguishable from the built-up area of the city of York as a whole and therefore purpose (a) is considered to be relevant to the application site. Illustrative features of a strong, moderate and weak/none contribution to purpose (a) are set out within the table in PPG paragraph 64-005.
- 5.15. The site is free of existing development with the exception of pylons and overhead cabling. In terms of physical feature(s) in reasonable proximity that could restrict or contain development, the road network (Murton Way, A64 and A1079) are some distance from the site and could not be described as in reasonable proximity. Areas of hedgerow run along parts of the site perimeter, but these are often gappy and are not considered to be such physical feature(s).
- 5.16. Turning to Annex 3, it is noted that the land to the west of the Green Belt boundary is urban in character with the Green Belt boundary identifying the edge of the urban area and the land to the east of the Green Belt boundary has an

agricultural character and is open. This supports the position taken that the site is adjacent/near to a large built up area.

- 5.17. Finally, the proposal would result in an incongruous pattern of development, extending an island of development out into open and undeveloped Green Belt land.
- 5.18. Overall, the site should be considered to make a strong contribution to Green Belt Purpose (a) by virtue of being free of existing development, adjacent/near to a large built-up area, lacking physical feature(s) in reasonable proximity which could restrict and contain development and if developed would result in an incongruous pattern of development.

#### Purpose (b): "To prevent neighbouring towns merging into one another"

5.19. Planning Practice Guidance is clear this purpose relates to the merging of towns, not villages. As Murton is a village, the contribution of the site to purpose (b) is limited.

#### Purpose (d): "To preserve the setting and special character of historic towns"

- 5.20. Regard is had to a recent appeal decision (APP/C2741/W/25/3362064) close to the application site at Land at Murton Way, Osbaldwick, YO19 5UP. In the appeal decision the Inspector concluded that: "the appeal site has no visual, physical or experiential connection with the historic aspects of the city. The nearest developments are an industrial estate and a traveller site and these interrupt any potential for views towards the city centre with the Minster at its core. The experience on site is of being no more or less than being close to the edge of an urban area. There is no perception of the historic nature of the city. Thus, whilst the Green Belt overall may safeguard the setting of York, the appeal site plays little or no part in that objective. There is no strong contribution of the site to purpose (d)."
- 5.21. While regard is had to the Inspector's assessment of the appeal site to the north, this is not considered to apply to the application site. Turning again to the table in PPG paragraph 64-005, illustrative features are given for a strong, moderate and weak/none contribution to Green Belt purpose (d). Areas which make a strong contribution to purpose (d) are likely to be free of existing development and include all of the following: firstly forming part of the setting of the historic town; and secondly making a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town. It has already been concluded that the site is free from existing development and it is generally considered undisputable that York is a historic town. However, the assessment must consider whether the application site forms part of the setting of the historic town. Annex 3 provides evidence on this stating that the rural setting of the city is experienced along Murton Lane, an historic approach into the city, between Murton

and Osbaldwick (established on the 1852 OS Map) and also between the outer ring road and Hull Road to the south. A panoramic view of the rural landscape is particularly experienced when travelling south on the A64. The Green Belt boundary preserves the perception of a dense compact city and its contained form within the rural hinterland overall. Additionally, there is a key city-wide view of the Minster from the outer ring road to the east, predominantly experience from the outer ring road. The rural landscape provides the context for this view and the Minster as dominant landmark in the wider landscape. Considering the position taken within Annex 3, the application site should be assessed as forming part of the setting of the historic town and to make a considerable contribution to the special character of the historic town and therefore as making a strong contribution to purpose (d).

5.22. In conclusion, the site is considered to strongly contribute to Green Belt purposes (a) and (d) and therefore the definition of grey belt land does not apply to this site.

#### Green Belt Assessment

5.23. Development in the Green Belt is inappropriate unless certain exceptions apply as listed in paragraph 154 of the NPPF and as listed within Policy GB1 of the Local Plan. None of the exceptions are considered to be met. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The overall planning balance and assessment of very special circumstances is at the end of this report.

#### Impact on Green Belt Purposes

- 5.24. In terms of Green Belt purposes, the proposal is considered to be harmful to Green Belt purposes (a), (c) and (d). The introduction of a heavily industrialised development would fail to check the unrestricted sprawl of large built up areas by introducing built development into the open countryside on the periphery of York and would fail to preserve the setting and special character of historic towns by introducing incongruous development into the setting of the historic city. Additionally the development would fail to assist in safeguarding the countryside from encroachment by allowing the spread of development out into open, agricultural land.
- 5.25. The impact on purpose (b) would be limited as this relates to the merging of towns rather than villages. The impact on purpose (e) would also be limited as the type of development is not suited to urban areas owing to safety and noise requirements.

#### Impact on the openness of the Green Belt

- 5.26. The NPPF (paragraph 142) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Thus, the essential characteristics of Green Belts are their openness, which has both spatial and visual aspects, and their permanence.
- 5.27. The application site is a large flat and open field with a combination of typically rural boundary hedgerows and stretches of post and rail fence boundaries. In contrast to the existing rural situation, the development will introduce structures and development into an area currently free from development having a detrimental urbanising effect which would lead to a significant visual loss of openness. During the lifetime of the BESS there would be a both a spatial and visual impact on openness. Taking into account the highly industrial nature of the proposal, this is considered to equate to a substantial harmful impact on the openness of the Green Belt.

#### LANDSCAPE IMPACT

#### Policy Context

5.28. Local Plan Policy D2 (Landscape and Setting) states that development proposals will be encouraged and supported where they demonstrate understanding of the local and wider landscape character and landscape quality relative to the locality and the value of its contribution to the setting and context of the city and surrounding villages; protect and enhance landscape quality and character and the public's experience of it and make a positive contribution to York's special qualities; demonstrate a comprehensive understanding of the interrelationship between good landscape design, biodiversity enhancement and water sensitive design; create or utilise opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces; recognise the significance of landscape features; take full account of issues and recommendations in the most up to date York Landscape Character Appraisal; include evidence based sustainable, practical and high quality soft and hard landscape details and planting proposals that make a positive contribution to the character of streets, spaces and other landscapes; create a comfortable association between the built and natural environment; and avoid an adverse impact on intrinsically dark skies and landscapes, townscapes and/or habitats that are sensitive to light pollution, keeping the visual appearance of light fixtures and finishes to a minimum, and avoiding light spill.

#### <u>Assessment</u>

5.29. The development would cause significant visual harm when viewed from Murton Way and Hull Road and would extend the industrial presence toward the A64. All of this would contribute to the gradual degradation of the rural landscape

between Murton Way and Hull Road, though the overall impact is geographically limited. The development would significantly harm the site's arable countryside character by replacing much of it with industrial structures and extensive hard surfacing. However, due to the localised influence presented by the development, the adverse effects on the wider landscape character type (LCT28: Vale Farmland with Plantation Woodland and Heathland) would be minor. The visual impact of the development would be greater during times when leaf cover is absent.

- 5.30. It is proposed that planting will be utilised as screening. Existing boundary hedgerows to the north, south, east and west would be retained and enhanced then maintained at a height of circa 3.5m. A new hedgerow would be planted adjacent to the SuDS pond, providing a further layer of visual screening. Specimen trees are proposed along the majority of site boundaries with denser areas of native woodland planting at the northern boundaries to help screen views from the north. Gaps in the exiting hedgerow would be planted-up with native species.
- 5.31. Overall the proposal would result in significant visual harm to the landscape and be significantly harmful to the site's character. However, the impact of the harm is relatively localised between Murton Way and Hull Road. The proposal would fail to protect and enhance the landscape quality and character and the public's experience of it and would not make a positive contribution to York's special qualities and thus the objectives of Policy D2 of the Local Plan are not met. However, owing to the localised nature of the harm and the reversibility of the proposal which seeks planning permission on a temporary basis of 40 years (at the point when the BESS first becomes operational) the significant landscape harm is afforded only moderate weight in the planning balance.

#### **DESIGN AND LOCATION**

#### **Policy Context**

- 5.32. Policy D1 (Placemaking) requires 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. Policy CC1 (Renewable and Low Carbon Energy Generation and Storage) is also clear that the location must be acceptable in terms of scale.
- 5.33. Neighbourhood Plan Policy ENV4 (Design) requires development proposals should ensure that their designs, landscaping and planting create an attractive, locally distinctive and well-functioning environment.

#### Assessment

5.34. The applicant states "the Osbaldwick Substation has been secured as a point of grid connection based on the need for a commercially viable scale of BESS

development." The applicant has also confirmed via email dated 7 August 2025 that they have a valid grid connection agreement to Osbaldwick substation.

- 5.35. An alternative sites assessment has taken place which identified there are no suitable/available non-Green Belt sites within 2km of the Osbaldwick Substation with the exception of built up areas and allocated sites. While other Green Belt sites are available within the search area, the applicant considers Gells Farm most suitable in terms of technical, logistical and environmental impacts. Areas east of the A64 have been excluded as the A64 represents a significant barrier to development owing to the need for connection cables to cross this major road (either under or over).
- 5.36. The BESS compound would be enclosed be circa 2.4m high weldmesh fencing and matching gates, finished in Moss Green (RAL 6005) and the substation would be secured by circa 2.4m high palisade fencing and matching double lead gates. The colour of the BESS units has not been confirmed but could be conditioned if necessary.
- 5.37. Lighting at the site would be kept to a minimum with PIR sensor triggered lighting used at entrances to plant and structures when maintenance staff are present or when triggered by a security breach. No continuous lighting would occur on-site. Lighting is likely to be low level directional LED lighting with shrouds to prevent light spillage. Detailed design of mounted lighting could be the subject of a relevant planning condition.
- 5.38. CCTV cameras would be installed on monopoles around the site of a maximum height of 3.5m. The layout of CCTV camera would be confirmed via a suitable planning condition should planning permission be forthcoming. All cameras would be directed within the site to avoid external privacy issues.

#### **ECOLOGY AND BIODIVERSITY NET GAIN**

#### **Policy Context**

- 5.39. Biodiversity Net Gain (BNG) is a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). All developers must deliver a BNG of 10%. This means development will result in more or better quality natural habitat than there was before the development.
- 5.40. Local Plan Policy GI2 (Biodiversity and Access to Nature) requires development should achieve net gains in biodiversity and Policy GI3 (Green Infrastructure Network) requires development to maintain and enhance the integrity and management of York's green infrastructure network; protect and enhance the amenity, experience and surrounding biodiversity value of existing rights of way, national trails and open access land; ensure the protection of the hierarchy and

integrity of York's local, district and regional green corridors; and create and/or enhance 'stepping stones' and new green corridors that improves links between existing corridors including those in neighbouring authorities, nature conservation sites, recreational routes and other open space.

5.41. Murton Neighbourhood Plan Policy ENV2 (Green Infrastructure) requires development proposals should be designed to respect the natural environment of Murton Parish, taking into account: local hedgerows; significant green spaces; community, wildlife, amenity space and other values are preserved or enhanced, and particular regard must be made to avoiding harmful impacts on hedgerows and trees.

#### <u>Assessment</u>

- 5.42. The applicant has submitted a Habitat Management Plan (prepared by E3P dated December 2024). This details habitats that will be retained and enhanced and monitoring and reporting of habitats created. The BNG metric submitted shows a 10.69% increase in habitat units, a 292.36% increase in hedgerow units and a 16% increase in watercourse units. Conditions relating to Biodiversity Net Gain, Habitat Management and Monitoring Plan, Construction Environment Management Plan Biodiversity, a Lighting Plan and Ecological enhancements have been recommended by the Ecologist and would be included should an approval be forthcoming.
- 5.43. The proposal would see some biodiversity and ecological enhancement compared to the existing use as arable farmland. These benefits are significant, particularly the increase in hedgerows which also meets the requirement of Policy ENV2 by enhancing opportunities for wildlife and enhancing local hedgerows.

#### **ARCHAEOLOGY**

#### **Policy Context**

5.44. Local Plan Policy D6 (Archaeology) requires development proposals that affect archaeological features and deposits will be supported where they are accompanied by an evidence-based heritage statement; they will not result in harm to an element with contributes to the significance or setting of a Scheduled Monument unless that harm is outweighed by the public benefits of the proposal; they are designed to enhance or better reveal the significances of an archaeological site; and the impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed with City of York Council.

#### Assessment

- 5.45. In consultation with the City Archaeologist, it has been identified that the results of the submitted geophysical survey are trusted and that given the low potential of the site, no further investigation or mitigation is required. While the results of the geophysical survey do not entirely rule out the possibility of features surviving on the site, it seems unlikely.
- 5.46. The City Archaeologist has emphasised that the cumulative visual impact of this development and similar applications in the area may have a detrimental impact on the setting of the city as viewed from the ring road.
- 5.47. While the localised and site-specific effect on archaeological features is considered to be generally acceptable within the scope of Policy D6, there are concerns that the development alone and in combination with other nearby BESS development are harmful to the setting and character of the city of York. However, there is a clear public benefit arising from the proposal within the context of the urgent need for the Battery Energy Storage Systems as reflected in a plethora of Government publications which support renewable energy in all its forms. Given the localised nature of the harm, the public benefits are considered to outweigh this harm.

#### **HIGHWAYS**

#### **Policy Context**

5.48. Due to the nature of the proposals, access by the public or by sustainable modes of transport would not be appropriate or encouraged. Local Plan Policy T7 (Minimising and Accommodating Generated Trips) requires development proposals to demonstrate that any resultant new traffic generated by new development can be safely accommodated on the local and strategic highway network, or can be made safe by appropriate transport infrastructure and service improvements.

#### <u>Assessment</u>

- 5.49. There is an objection to the proposals from the highways officer due to insufficient swept path analysis information. It is considered these details could be dealt with by condition should an approval be forthcoming.
- 5.50. Once constructed the facility will not be permanently staffed and trip generation will be very low (approx. 1 visit per month). With traffic generation likely to be so low, there are no highway safety implications from the proposal.

#### FLOOD RISK AND DRAINAGE

#### **Policy Context**

- 5.51. Local Plan Policy ENV5 (Sustainable Drainage) emphasises the need for Sustainable Drainage Systems (SuDS) in new development. Existing land drainage systems should not suffer any detriment as a result of development. Landscaping should be designed to reduce surface water flooding and to enhance local biodiversity. Areas of hardstanding should be minimised and porous materials used. Policy ENV4 (Flood Risk) requires a site specific flood risk assessment that takes account of future climate change must be submitted with any planning application related to sites in Flood Zone 1 larger than 1ha.
- 5.52. Neighbourhood Plan Policy ENV6 (Flood Risk Management) requires development proposals should respond positively to their impact on surface water management and, where appropriate, demonstrate that they have a surface water management plan which shows that the risk of flooding both on and off site is minimised and managed.

#### Assessment

- 5.53. The application is accompanied by a Flood Risk Assessment (Revision P4, March 2025). Site specific infiltration testing on the site next door failed and therefore connection to the watercourse would be subject to separate consent from the Foss IDB. The drainage strategy (as revised) shows foul water being connected to a package treatment plant with the treated foul water being connected to the watercourse via the proposed onsite SuDS system and surface water being connected to the Foss (IBD) maintained watercourse known as Murton Station Dyke at a restricted rate of 7.7 litres per second with appropriate attenuation up to and including the 1 in 100-year event with 45% climate change event.
- 5.54. The Flood Risk Management Team agree the SuDS strategy in principle and recommend conditions in the event of an approval. The requirements of Local Plan Policies ENV4 and ENV5 and neighbourhood plan policy ENV5 are considered to be met with these conditions.

#### AMENITY AND PUBLIC PROTECTION

#### **Policy Context**

5.55. Local Plan Policy ENV2 (Managing Environmental Quality) states development will be permitted where it does not unacceptably harm the amenities of existing and future occupiers and communities. Developments that are likely to give rise to adverse environmental impacts (noise, vibration, odour, fumes/emissions, dust and light pollution) must demonstrate how these matters have been considered in relation to both the construction and life of the development. This is further supported by criterion ii of Policy CC1 (Renewable and Low Carbon Energy Generation and Storage).

5.56. Local Plan Policy ENV3 (Land Contamination) states where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination assessment.

#### Assessment

- 5.57. A Noise Impact Assessment has been submitted. The results of the assessment show that the noise contribution from maximum site rating noise levels at the neatest sensitive receptors (NSR) would be below the representative background sound level during daytime and nighttime periods. Therefore, the noise from the site would result in a low impact. However, the assessment shows the cumulative impact of numerous BESS facilities in the area does result in an increase in background noise levels at NSR R7. NSR R7 is the Caravan Park to the North of the site. Public Protection has asked the applicant to explain the impact that this may have on the occupants of the caravans at night. Further information was submitted by the applicant which explains the sound reduction qualities of a caravan and the resultant noise levels with the caravans as a result of BESS operation. Overall, the noise from the BESS operation is of low impact and will not cause any adverse impact to the occupiers of the caravans. Public Protection have been consulted raise no objection to the application on noise grounds.
- 5.58. Conditions relating to land contamination assessment and remediation would be used should an approval be forthcoming. The applicant has selected the site partly because it avoids areas of flood risk.

#### **FIRE SAFETY**

- 5.59. North Yorkshire Fire and Rescue Service have commented on the application to advise the National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESS Design Guidance should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.
- 5.60. A Fire Safety Management Plan produced by Reliance Fire Ltd (25 March 2025) has been supplied by the applicant which demonstrates the design of this proposed battery energy storage system adheres to the current NFCC Guidance for Grid Scale Battery Energy Storage Systems. The LPA has no reason to dispute the contents of this report. Planning conditions for a Detailed Battery Safety Management Plan and an Emergency Response Plan and Site-Specific Risk Information (SSRI) are recommended in the event of an approval.

#### LOSS OF AGRICULTURAL LAND

#### **Policy Context**

- 5.61. Policy CC1 of the Local Plan states renewable and low carbon development will only be acceptable where impacts on agriculture are deemed acceptable.
- 5.62. Paragraph 187(b) of the NPPF (2024) states planning decisions should contribute to and enhance the local environment by recognising the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.
- 5.63. Footnote 65 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

#### Assessment

5.64. The applicant has provided an Agricultural Land Quality Report which confirms the land impacted is Grade 2 agricultural land. The developer puts forward the view that whilst this loss represents harm, the retention of 1.6 ha of agricultural land onsite (identified for grazing but potentially suitable for arable use too) means that this harm should be given limited weight. However, the viable arable use of 1.6 ha of land would be limited. The proposal conflicts with Policy CC1 of the Local Plan and paragraph 187(b) of the NPPF. However, due to the minor scale of the loss and the reversibility of the proposal, this harm is ascribed only very limited weight in the planning balance.

#### THE CASE FOR VERY SPECIAL CIRCUMSTANCES

- 5.65. The proposal has been identified as representing inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Substantial weight is to be given to any harm to the Green Belt.
- 5.66. Weight must also be given to a recent appeal decision for a Battery Energy Storage System in close proximity to the appeal site at 'Land at Murton Way.' This appeal (Planning Inspectorate reference: APP/C2741/W/25/3362064) was allowed on 17 July 2025 following a Public Inquiry. In the case of Land at Murton Way, the Inspector concluded that the Green Belt and other harm arising from the scheme where clearly outweighed by the benefits and for that reason the proposed development demonstrated the very special circumstances. In the case of Land at Murton Way, the benefits of the scheme and the harm arising are very similar to that at Gells Farm. The appeal decision is a material planning consideration and is

assigned significant weight in the planning balance due to the proximity to the application site and the similarity of the planning considerations.

#### 5.67. The following harm has been identified:

- Substantial harm to the Green Belt and its openness which is afforded substantial weight in the planning balance
- Significant localised landscape harm which is afforded moderate weight in the planning balance
- Localised harm to the wider setting and character of the historic City of York is assigned limited weight in the planning balance.
- Loss of Grade 2 agricultural land which is ascribed very limited weight in the planning balance

### 5.68. The following benefits of the development have been identified by the developer:

- There is an urgent need for the Battery Storage Facility (developer assigns this significant weight applied)
- There are no available, suitable and/or preferable sites (from a land use perspective) that are located outside of the Green Belt. The site has been identified as resulting in the fewest technical, amenity and/or environmental impacts of plots in the Green Belt and thus is the most suitable (developer assigns this substantial weight.
- The design covers the smallest area of land practicable (developer assigns this limited weight)
- The proposed development would result in the 'beneficial use' of the Green Belt by assisting the National Grid Electricity System Operator and Distribution Network Operators in managing the transmission network. The transmission network is becoming increasingly volatile as more renewable energy scheme are connected to the Grid. The balancing service provided by the storage assists in managing the volatility.
- Biodiversity enhancements are secured with the Biodiversity Net Gain scoring above the 10% legal requirement.
- Proposed landscaping would help to reinforce and improve the landscape character and enhance the ecological network by reinforcing and improving field boundaries which form a 'stepping stone' that aids the connectivity of habitats and movement of species (combined, the developer affords these matters moderate weight)
- Temporary development (developer affords this limited weight)
- Economic and social benefit of assisting in energy security and reducing reliance on fossil fuels. Reduce cost to customers and keep energy bills low (developer affords this moderate weight).

#### 5.69. The LPA has identified the following further benefits:

- City of York Council declared a climate and ecological emergency in 2019 and the York Climate Change Strategy (2022-2032) sets out themes, priorities, action and milestones required to achieve net zero carbon by 2030. The proposal will make a contribution to net zero carbon ambitions by improving energy flexibility and storage which is recognised in the York Climate Change Strategy (2022 2032) as one of the objective to remove carbon-based energy storges from the UK energy grid.
- 5.70. Overall, it is without doubt that the proposal would cause substantial harm to the Green Belt and its openness. This harm should also be considered in conjunction with other identified harms in the form of significant localised landscape harm, localised harm to the wider setting and character of the historic City of York and the loss of Grade 2 agricultural land. However, when the harms are considered within the context of the urgent need for the Battery Energy Storage Systems as reflected in a plethora of Government publications which support renewable energy in all its forms, there is convincing justification that the benefits of the proposal in combating climate change and achieving net zero carbon clearly outweigh the harms. Therefore the very special circumstances are considered to exist and it is recommended that the proposal be approved subject to conditions.

#### 6.0 CONCLUSION

6.1. The proposal would be inappropriate development within the Green Belt which is harmful by definition, however it is considered that very special circumstances exist which clearly outweigh the harm to the Green Belt and other harms identified above. When the harms are considered within the context of the urgent need for the Battery Energy Storage Systems as reflected in a plethora of Government publications which support renewable energy in all its forms, there is convincing justification that the benefits of the proposal in combating climate change and achieving net zero carbon clearly outweigh the harms. The recommendation is therefore for approval subject to conditions.

#### 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:

Location Plan - 3687-01-PLA-001, dated Dec 2024 Existing Site Plan - 3687-01-PLA-002, dated Dec 2024 Proposed Site Plan - 3687-01-PLA-003 Rev A, dated April 2025 Landscape Proposals - 3687-01-LAN-001 Rev D, dated Dec 2024

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 40 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 40-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:
- 1. 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.
- 2. 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 40-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 Prior to commencement of the development hereby permitted, fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Auxiliary Transformers
- Battery Enclosure
- CCTV Arrangement
- Dual Skid
- Cross Sections
- HDD Cable Crossing
- Spares Enclosure
- Switchroom
- HV Compound Elevations

The development shall then be carried out in accordance with the approved details.

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

- 5 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 development site reaching the highway;
- f. measures to prevent flying debris;
- g. dust mitigation measures;
- h. noise and vibration mitigation measures (if piling and/or ground stabilisation is to be conducted).

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

Reason: In the interests of public amenity.

6 No development shall take place until a Soil Management Plan, which demonstrates soil handling, restoration, aftercare and supervision has been submitted to and approved in writing by the local planning authority. The Soil Management Plan should contain details of how soils will be protected and where necessary, stored and managed on the site during construction, and during the life of the development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting best and most versatile agricultural land.

- 7 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 agreed in writing by the local planning authority.

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

- 8 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 landscape and habitats and include the following:
- a. Ecological trends and constraints on site that might influence management;
- b. 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;
- c. Appropriate management options for achieving aims and objectives;
- d. 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;
- e. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- f. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority;

g. a schedule for reporting findings to the local planning authority.

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 HMMP 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.

- 9 Prior to the commencement of development, a detailed method of works statement (MoWS) / construction traffic management plan (CTMP) identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include at least the following information:
- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority; the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing
- where contractors will park; and
- where materials will be stored within the site.

The approved MoWS / CTMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

10 Prior to the commencement of the development, details of the vehicular access from Murton Way with associated highway visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and visibility splays shall thereafter be maintained free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0metre.

Reason: In the interests of highway safety.

The approved landscaping scheme as illustrated on Landscape Proposals - 3687-01-LAN-001 Rev D, dated Dec 2024 shall be implemented within the first planting season following completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within the lifespan of the development 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: In the interests of the character and appearance of the area.

The surface water drainage works shall be constructed in accordance with the Sustainable Drainage Strategy, fourth issue (March 2025) by Integra Consulting. Any changes to the scheme must be approved in advance in writing by the Local Planning Authority, in consultation with Foss (2008) Internal Drainage Board, and the scheme shall be implemented as so approved before the development is brought into use.

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

13 There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works unless otherwise approved in advance in writing by the local planning authority.

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

14 A strip of land 9 metres wide adjacent to the top of the embankment of the watercourse known as Osbaldwick Beck shall be kept clear of all new buildings, structures, walls, fencing, hardstanding and planting unless agreed otherwise in advance in writing with by Local Planning Authority in consultation with the Foss (2008) Internal Drainage Board. Ground levels must also remain the same within this area.

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

15 A programme of post-determination archaeological mitigation is required, specifically an archaeological watching brief in the access road area. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

- A) No works related to the creation of the access road shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no works shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.
- B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion of fieldwork or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately (within 5 working days) 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 shall be subject to the approval in writing of the local planning authority. Remediation shall be carried out as approved and following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be approved in writing by 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.

17 Prior to the installation of any security light and CCTV columns within the site, a detailed lighting scheme including lighting levels, direction/spread of light and details of operation shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be carried out in accordance with the approved details and thereafter retained as approved.

Reason: In the interests of the visual amenities of the area.

Prior to the delivery of any batteries to the site, a Battery Safety Management Application Reference Number: 24/02303/FULM Item No: 5c

#### Page 193

Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Battery Safety Management plan shall include, or reference details of:

- Gas and/or specific electrolyte vapour detection systems
- Ventilation systems
- The facilities in place for the early alerting of the emergency services should thermal runway conditions be detected
- The detection system in place for alerting of fires that do not involve thermal runaway (e.g. fires involving electrical wiring)
- Confirm that continuous combustible gas monitoring within units is provided
- That external audible and visual warning devices and addressable identification at the control room and indicating equipment which is linked to a battery management system when a thermal runaway event is identified and a detection and suppression system activation
- The fixed suppression systems installed in units to prevent or limit propagation between modules
- The deflagration venting and explosion protection provided The signage to be installed in suitable and visible locations on the outside of BESS units identifying the presence of a BESS system
- The post-incident recovery plan developed by the operator that addresses the potential for reignition of BESS and de-energizing the system, as well as removal and disposal of damaged equipment.

The approved Battery Safety Management Plan shall be adhered to for the duration of the life of the development.

Reason: In the interests of safety and to ensure compliance with the content of the NFCC publication Grid Scale Battery Energy Storage System BESS Design Guidance.

Prior to the delivery of any batteries to the site, an Emergency Response Plan including Site Specific Risk Information (SSRI) shall have been submitted to and agreed in writing by the Local Planning Authority. The Emergency Response Plan shall include measures to address the consequences of any thermal runaway event or other fire event, the likely path of any vented gasses or materials and in particular fire-fighting provision, water supply resilience and runoff contamination including any potential impact on the environment. The agreed Emergency Response Plan shall be implemented for the duration of the life of the development.

Reason: In the interests of safety and to ensure compliance with the content of the NFCC publication Grid Scale Battery Energy Storage System BESS Design Guidance.

20 Prior to the commencement of development, where any construction activity requires the use of an Abnormal Indivisible Load (AIL) details of the how this will access the site will be submitted to and approved in writing by the Local Planning Authority. Abnormal Indivisible Load (AiL) is defined as a vehicle meeting any of the

#### following criteria:

- weight over 44,000kg (43.3 tons)
- an axle load of more than 10,000kg (9.84 tons) for a single non-driving axle or 11,500kg (14.7 tons) for a single driving axle
- width over 2.9 metres (9.5 feet)
- rigid length over 18.65 metres (61 feet)

a Site-Specific Route Access Report (SSRA) shall be submitted to and approved in writing by the Local Planning Authority at least 3 months prior to the predicted date of AIL delivery.

The SSRA shall include the following details:

- (i) Timeframes, route details and delivery vehicle details.
- (ii) Proposals for surveying the route including overhead wires and buried cables and for consulting with the appropriate authority regarding suitability.
- (iii) Details of any road widening, bridge strengthening or removal of street furniture required.
- (iv) Proposals for trial run(s) and desktop swept path analysis.
- (v) Proposed traffic safety measures to be adopted for all movements including confirmation of police escorting at all times.

The approved SSRA shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

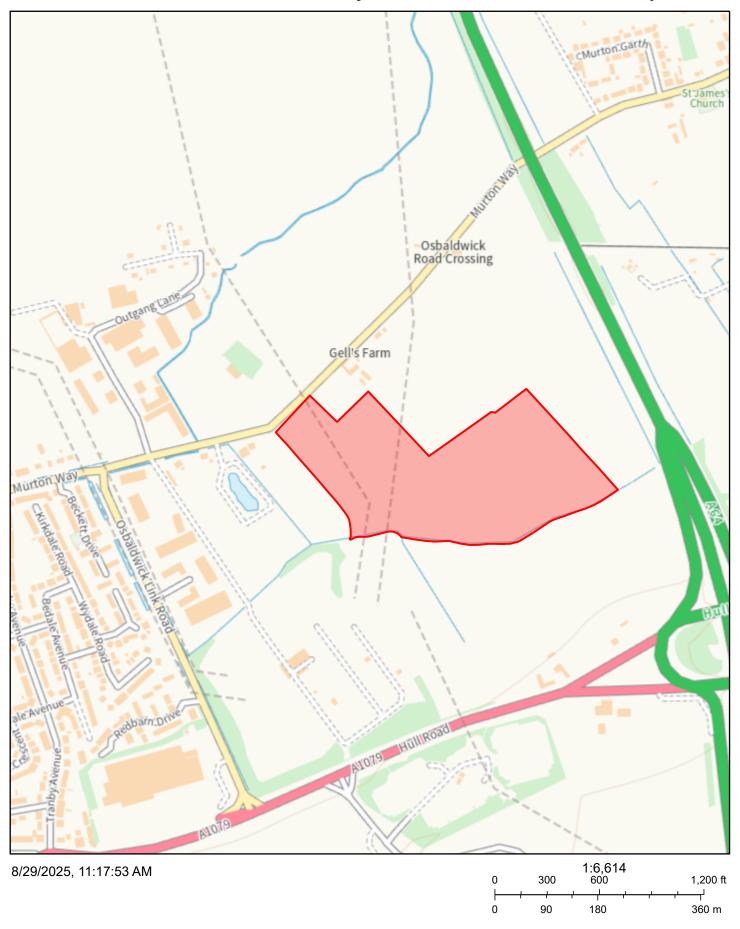
Reason: In the interests of highway safety

#### 8.0 INFORMATIVES:

**Contact details:** 

Case Officer: Lauren Cripps 01904 554622

### 24/02303/FULM - Land auj to Gell's Farm, Murton Way







## Planning Committee A

To be held on 11<sup>th</sup> September 2025

## rage 190

# 24/02303/FULM - Land Comprising Field Adjacent To Gells Farm, Murton Way, York

Installation of a Battery Energy Storage System (BESS) and associated infrastructure, including access, a high voltage substation, inverters, switchgears, fencing, CCTV, landscaping and biodiversity enhancements









Google Earth Aerial Image Wide Context





Google Earth Aerial Image – Application Site

## Site Access from Murton Lane





#### Murton Lane





View across site toward Osbaldwick Substation





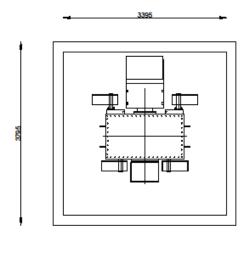
#### View towards A64

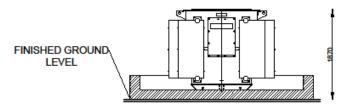




#### Native woodland planting **Proposed Site Layout** Species diverse grass mix: Emorsgate EM2 Standard General Grazing grass mix: Cotswold 'Herbal' Grazing Ley or similar Species diverse wet grass mix: Emorsgate EM8 Meadow Mixture for Wetlands or similar Low maintenance grass mix: Emorsgate EG1 General Purpose Meadow Grass Mixture or similar Access track: tarmac surfacing Gravel surfacing Stockproof fence (1,2m) Security wire mesh fence (2.4m) HV Substation Compound palisade fence (2,4m) Medium Voltage Skid BESS Container Auxiliary Transformer **A** axis York Energy Park Ltd. East York Energy Hub Proposed Site Plan 1:1250 @A1 © Crown copyright and database rights 2024 Ordnance Survey 0100031673 3687-01-PLA-003 A

#### Typical Auxiliary Transformers



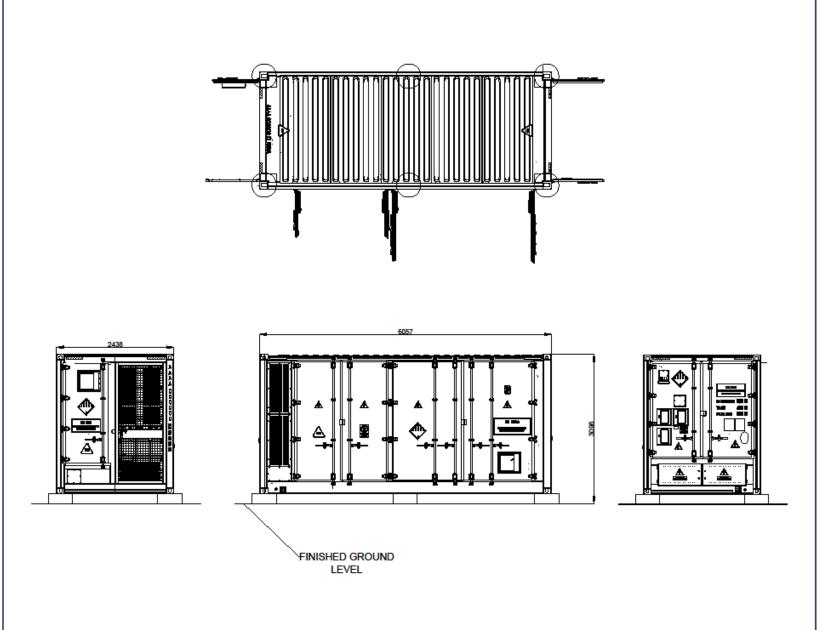




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Project
East York Energy Hub
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# Page 208

## Typical Battery Enclosure





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York Energy Park Ltd.

East York Energy Hub

Typical Battery Enclosure

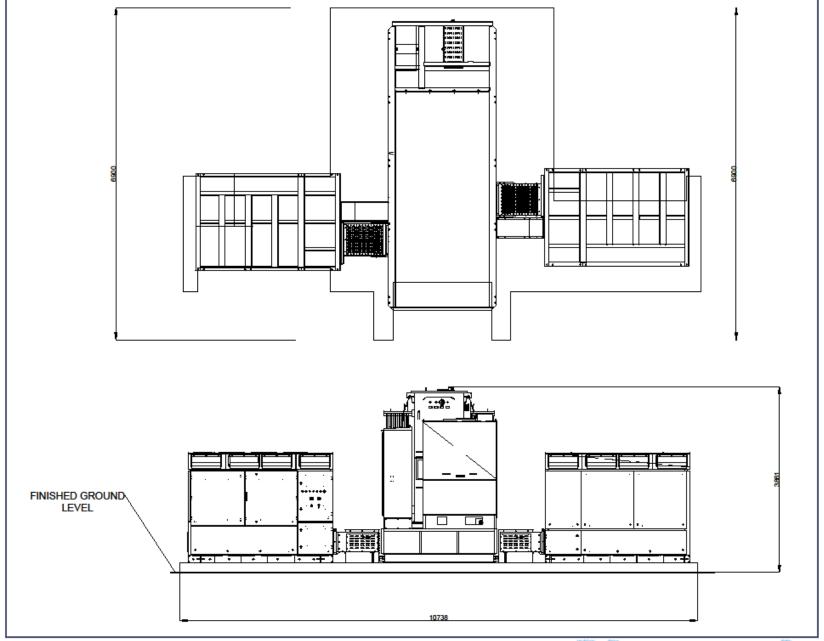
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East York Energy Hub

Drawing Title

Typical Dual Skid

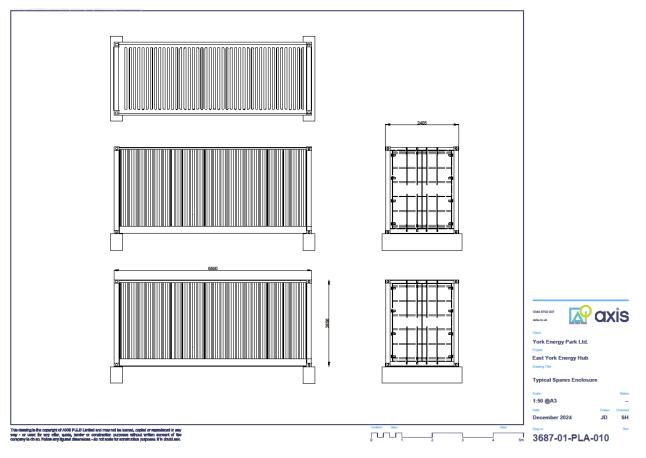
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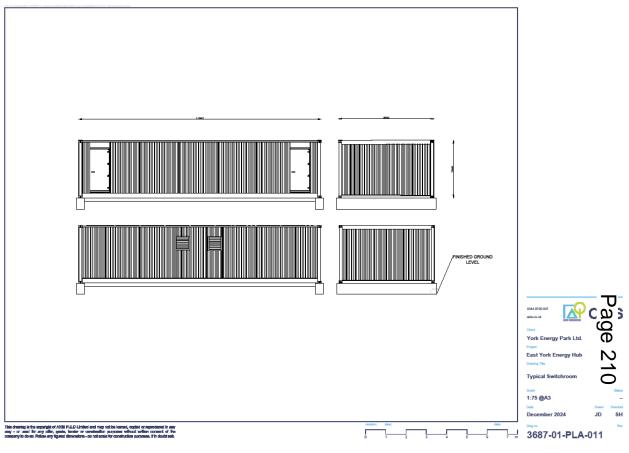
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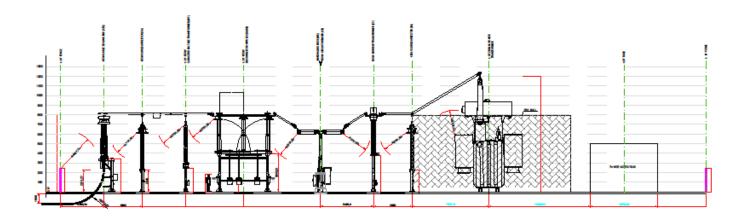


Typical Spares Enclosure

Typical Switch room



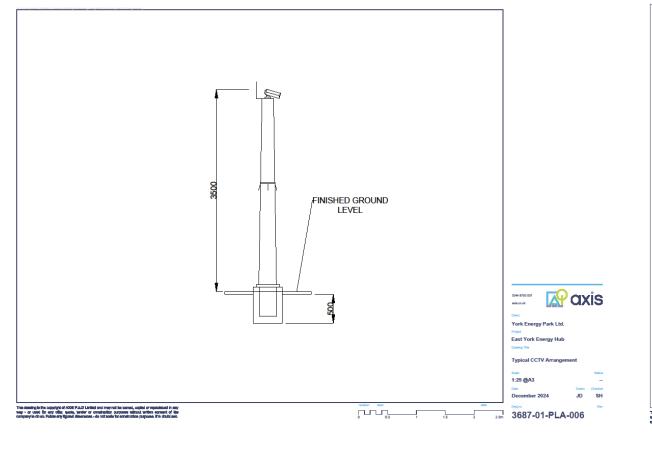
## Typical HV Compound Elevations

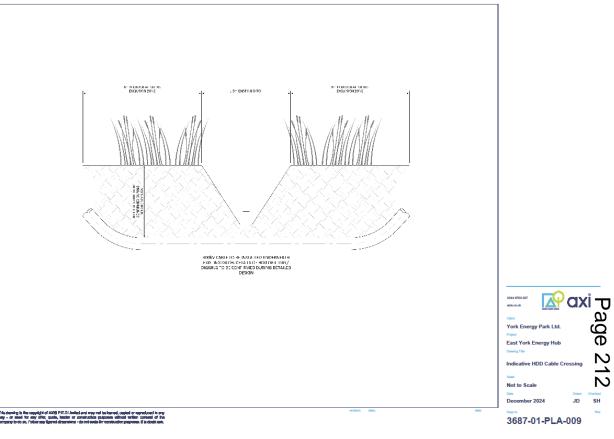




Client
York Energy Park Ltd.
Project
East York Energy Hub
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Typical HV Compound Elevations
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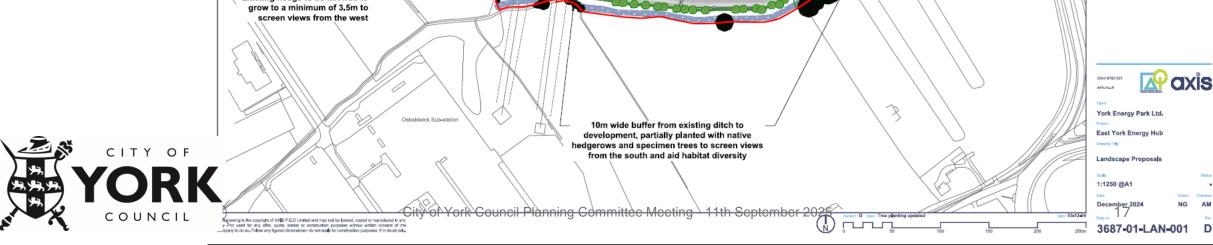


Typical CCTV Arrangement

Indicative HDD Cable Crossing



#### Existing vegetation retained Existing vegetation removed Landscape Masterplan Existing ditch retained with 10m Species diverse grassland, native hedgerow and woodland planting for improved biodiversity Species diverse grass mix: Emorsgate EM2 Standard General Purpose Meadow Mixture or Grazing grass mix: Cotswold 'Herbal' Grazing Ley or similar Native hedgerow planting for habitat connectivity and Species diverse wet grass mix: Emorsgate EM8 Meadow Mixture for Wetlands or similar to screen views from the Native wood and planting to screen Low maintenance grass mix: Emorsgate EG1 General Purpose Meadow Grass Mixture or similar views from the north Access track: tarmac surfacing Gravel surfacing Stockproof fence (1,2m) Security wire mesh fence ( HV Substation Compound palisade fence (2,4m) Existing hedge to be allowed to grow to a minimum of 3,5m to screen views from the west **axis** York Energy Park Ltd.



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