



Notice of a public meeting of Planning Committee

- To:** Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Fitzpatrick, Hollyer, Kilbane, Perrett, Warters and Widdowson
- Date:** Tuesday, 11 February 2020
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Site Visits

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at 10:00am on Tuesday 11 February 2020

1. **Declarations of Interest**

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

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

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

2. **Minutes** (Pages 5 - 34)

To approve and sign the minutes of meetings of the Planning Committee held on 11 July 2019 and 16 January 2020.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by

5:00pm on Monday 10 February 2020. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer for the meeting on the details at the foot of this agenda.

Filming or Recording Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting e.g. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Plans List

This item invites Members to determine the following planning applications:

- a) Vacant Site, Eboracum Way, York [19/01467/FULM]** (Pages 35 - 48)
Erection of 5 storey apartment building with basement comprising 62 residential units (Use Class C3), associated car parking and landscaping works [Guildhall Ward]

- b) Proposed Research Centre, Lakeside Way, Heslington, York [19/02540/REMM]** (Pages 49 - 64)
Reserved matters application for approval of siting, design, external appearance and landscaping of a research centre building with associated access, cycle parking and landscaping following outline permission 15/02923/OUT [Hull Road Ward] [Site Visit]

- c) **Lindum Group Limited, York Road, Elvington, York [18/02744/OUTM]**
(Pages 65 - 86)

Outline application for the erection of 20no. employment units (Use Classes B1(b), B1(c), B2 and B8) with means of access and landscaping included [Wheldrake Ward] [Site Visit]

- d) **Elvington Water Treatment Works, Kexby Lane, Elvington, York [19/02522/FUL]** (Pages 87 - 100)

Replacement plant building with 2no. external storage silos, access staircase and hardstanding area for the preparation of calcium hydroxide (part retrospective) (revised scheme) [Wheldrake Ward]

5. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

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Abbreviations commonly used in Planning Reports

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

PLANNING COMMITTEE

SITE VISITS

Tuesday 11th February 2020

**The mini-bus for Members of the Committee will leave from
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10.15	Proposed Reseach Centre, Lakeside Way, Heslington	4b
10:55	Lindum Group Limited, York Road, Elvington	4c

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	11 July 2019
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Doughty, Douglas, Fitzpatrick, Hollyer, Kilbane, Warters, Cuthbertson (Substitute), Fisher (Substitute), Melly (Substitute) and Hunter (Substitute)
Apologies	Councillors Barker, Daubeney, Widdowson, Fenton and Perrett

12. **Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Referring to the objections to Agenda Item 3a [OS Fields 5475, 7267 and 8384, Moor Lane, Acomb, York [18/02687/OUTM] from York Environment Forum and the Green Party, Cllr D'Agorne declared a personal non prejudicial interest as a member of both groups. He noted that he had not taken part in any discussions regarding the application. Cllr Fisher also declared a personal non prejudicial interest in the same application as a member of York Environment Forum and had not taken part in any discussions. No further interests were declared.

13. **Public Participation**

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

14. **Plans List**

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

15. OS Fields 5475, 7267 and 8384, Moor Lane, Acomb, York [18/02687/OUTM]

Members considered an application for outline planning permission from Rebecca Mitchell for (with all matters reserved except for means of access) for up to 516 residential units (Class C3) with local centre (Use Classes A1-A4, B1a, C3, D1) public open space with pavilion and associated infrastructure and full application for demolition of existing buildings and structures and creation of ecological protection and enhancement zone at OS Fields 5475 7267 And 8384, Moor Lane, Acomb, York.

The Development Management Officer outlined the site, highlighting the ecological protection and enhancement zone. She advised that the main issues were that the site was not allocated in the Local Plan, was considered as being in the Green Belt and the impact of the development on the Site of Scientific Interest (SSSI) Askham Bog. She noted that 7500 objections had been received, of which there were 900 individual objections. The main areas concern included the impact on Askham Bog and infrastructure.

An Officer update in which Members were provided with a number of points of clarification as follows:

- Paragraphs 3.15 and 4.34 of the Committee Report related to concern raised by the ecology officer about how increases in traffic would impact on air quality and, consequently, the ecology of Askham Bog SSSI. At the time of writing the report, the Council's Highways consultant had suggested that proposed trip rates were too low and there was concern that higher trip rates would result in an impact on air quality in relation to the Bog. Revised trip rates have now been agreed but relevant thresholds are not exceeded on the highways closest to the Bog and officers are comfortable that there will not be an impact on air quality in relation to the SSSI.
- Paragraph 4.13 stated that 'much of the Bog is currently openly accessible with little substantial restriction between movement in and out of the SSSI and the fields to the North of it'. The applicant has commented that the fields to the North are privately owned and there is no authorised access. While this is the case, there are clear paths with no obstructions from the Bog, around the field edges and back

to Moor Lane indicating that there is already a desire for residents to walk between the two locations. It is considered that closer proximity of residential development to the SSSI will only increase the likelihood of such movements.

- Concerning representations, paragraph 3.82 of the report stated that two letters of support had been received, and one letter making general comments. The numbers were clarified as being three letters of support and two making general comments. No new issues were raised.
- Concerning education, the applicant had confirmed that they are still considering the required education contribution in terms of its appropriateness and CIL compliance.
- With regard to highways, more appropriate trip rates had been agreed. Additional analysis based on these revised trip rates has been provided but officers have advised that this analysis is not complete and does not provide an adequate understanding of the impacts of the proposed development on the highway network. Officers are therefore unable to support the application at this stage.
- The holding objection to the development from Highways England was maintained due to concern about potential impact of development traffic upon the operation of the A64.

Members were advised that the additional information had been assessed and the planning balance and the recommendation are unchanged from the published report. In answer to a question concerning bund enclosing the site, Officers explained that there was only one way for wildlife movement through the site.

Ann Reid, former Dringhouses and Woodthorpe Ward Councillor, spoke in objection to the application. She noted that a number of organisations objected to the application. She explained that the site had been removed from the Local Plan and was in Green Belt land with very special circumstances preventing it from development. She added that the Green Belt preserved the setting of Moor Lane and urged refusal of the application.

Michael Thornton, Secretary of Friends of Hob Moor and as Secretary of the Dringhouses & Woodthorpe Residents

Planning Panel, spoke in objection to the application. He explained that the development would affect the watercourse of Hob Moor. He expressed concern regarding the impact of the development on traffic, health and education provision.

Sara Robin Conservation Officer (Planning) Yorkshire Wildlife Trust, spoke in objection to the application. She stated that the application was adjacent to Askham Bog and she highlighted that the Bog contained a lowland fell which was referred to as irreplaceable in the NPPF. She explained that the bunds and fencing in the application would not protect the bog. In response to a question from a Member in regard to the Bog being irreplaceable she explained that it had taken 15,000 years for the Bog to develop and if the hydrology was changed it was not possible to predict what would happen to the Bog in the next few hundred years.

Professor Fitter, Professor of Ecology, University of York, spoke in objection to the application. He stated that the site was exceptional and that the isolation of the site was a serious issue and there was a need to stop the isolation of wildlife sites. He emphasized that all habitats at Askham Bog met the criterion as being irreplaceable. He explained that the site relied on a high water table. In answer to a question about the site being irreplaceable, he explained why the site was so important to York and nationally as there were rare species on the of plants and insects on the site and there was a threat that it would dry out. He added that the site had a complex interaction between people and the landscape over thousands of years.

Philip Crowe Tremendous York, spoke in objection to the application. He cited the major concerns of residents in respect of the application and explained that Tremendous York proposed that the site be contributed to the Northern Forest initiative. He noted that Tremendous York was supported by the council who supported tree planting in York and he added that the benefits of tree planting were known. He urged the applicant to withdraw the application.

Cllr Fenton Dringhouses and Woodthorpe Ward Councillor, spoke in objection to the application. He explained that the key to the Local Plan was identifying sites suitable for development and this site was not identified for development in the Local Plan. He noted the impact of the development on the local transport infrastructure, the outer ring road, the A64, congestion near Tesco Askham Bar, and local services. He noted that the

proposal failed to comply with the relevant policy.

Gary Halman, Agent for the Applicant, spoke in support of the application. He explained that York was in a housing crisis and there was a massive affordable housing need. The site would have a significant impact on this as there would be 33% affordable housing. He noted that the site was identified in 2014/15 as a housing site. He gave an overview of the layout of the site detailing the housing and open space provision. He explained that the applicant had commissioned their own research in respect of the ecological impact of the site and he explained the outcome of that research. He noted that there were some net benefits of the development and he added that there was no certainty over the when the Local Plan would be adopted.

In response to questions from Members, Mr Halman clarified:

- There was a need for affordable housing
- The amount to be paid towards education provision was to be confirmed
- How ground water would be prevented from entering the site.

Ms Robin Conservation Officer (Planning) Yorkshire Wildlife Trust and Mr Halman, Agent for the Applicant were then asked and explained the differences between their opinions in relation to the ecological impact of the development.

It was:

Resolved: That the application be refused.

Reasons:

- i. The position of the Council is that the site is within the general extent of the Green Belt. When taken as a whole, the development represents inappropriate development within the Green Belt when assessed against paragraphs 145 and 146 of the NPPF. Inappropriate development can not be approved except in very special circumstances (para.143) and these very special circumstances will only exist where the harm through inappropriateness, and any other identified harm, is clearly outweighed by other considerations (para.144). Openness has both a

spatial and a visual aspect and here it is clear that the quantum of development would harm openness through both its scale and massing but also through the introduction of a built form in an otherwise undeveloped site. Para.133 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence. This proposal would cause considerable loss of openness and permanence of the York Green Belt. Further harm has been identified to Green Belt purposes including, preventing neighbouring towns from merging, encroachment in to the countryside and impact on the setting and special character of York. Substantial weight is to be given to these harmful impacts on the Green Belt.

- ii. Officers recognise that policies in the emerging Local Plan can only be given weight in accordance with para.48 of the NPPF. There are unresolved objections to emerging Local Plan policy SS2 'The role of York's Green Belt' and it can only be given limited weight at the present stage in the examination process. However the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. Topic Paper 1 Approach to defining York's Green Belt Addendum has been used for assessing the Green Belt as part of the emerging Local Plan process. This document is currently at consultation but represents the most up to date and thorough assessment of the defined boundaries and character areas of York's Green Belt.
- iii. As well as the harm to the Green Belt through inappropriateness, harm to openness and to the purposes of including land within the Green Belt, further harm has been identified as a result of the scale, form and proximity of the proposed development to Askham Bog SSSI. The Applicant has submitted detailed technical reports which seek to explain the hydrology and hydrogeology connecting the site and the SSSI and which claim

to evidence that the Bog is predominantly rainwater fed. However, technical submissions from Natural England and the Yorkshire Wildlife Trust, and the findings of the Council's consultants' Mott MacDonald indicate that the Applicant's findings are flawed. The most likely scenario is that the Bog is predominantly groundwater fed via infiltration from neighbouring land, including the application site, and the proposed development and surface water drainage proposals will therefore significantly impact on the hydrology of the Bog.

- iv. Further harm is likely to occur to the SSSI as a result of urban edge impacts from the increased residential population in closer proximity to the site. These impacts would include pet predation, littering, vandalism and dog fouling all of which would harm the integrity of the SSSI.
- v. The Applicant has sought to prevent unauthorised intrusion in to the SSSI from people and animals by the introduction of an Ecological Enhancement and Protection Zone. However this, in its turn, has caused further harm to ecology and also detrimental visual and landscape impacts. The EPEZ contains a long body of water with a bund to the South and fencing North and adjacent to the SSSI. The EPEZ is intended to form a physical barrier to stop people and animals crossing from the development site to the SSSI. However gaps in the body of water and bund to allow access for IDB maintenance of drains limit its effectiveness as well as doubts about long term maintenance of the fencing, thorny hedging and water levels. The EPEZ is in itself a finite structure which it would be quite possible to circumvent at the western end adjacent to the golf course.
- vi. The EPEZ is necessary only to attempt to mitigate harm from the proposed residential development on the SSSI yet in doing so it clearly causes additional harm to ecology and to the landscape and visual amenity of the locality. The

attempt to create a barrier to stop traffic from the development site to the SSSI also has the effect of restricting wildlife movement in and out of the Bog and further isolating the SSSI from any other green space. This is particularly crucial given that the SSSI is already enclosed on three sides by the golf course, A64 and East Coast mainline.

- vii. The proposed development will have a harmful impact on the landscape character of the site and Askham Bog and consequently result in harm to visual amenity. The development site is currently arable farmland which forms part of the landscape setting of York. The introduction of 516 houses with associated infrastructure and the EPEZ will irreversibly change the character of the area from undeveloped countryside to suburban development. The change in character of Moor Lane from one marking the edge of the urban area to a road passing through housing development will be acute and harmful to the character of the city as a tight urban area surrounding by countryside.
- viii. The EPEZ introduces a new landscape form of man-made water features and bunding which is not already experienced in the existing flat countryside. It will have the effect of removing views both into Askham Bog from the North and out of the Bog towards Moor Lane. This reduces the experience of the Bog as set within a rural setting outside the urban area and results in an enclosure of the SSSI which is alien to its existing open and level character.
- ix. The transport assessment with the application is not considered acceptable as submitted trip rates are unlikely to reflect the car usage on the site. As such it is not possible to adequately assess the likely impacts on the highway network of the proposed development. It is further noted that higher trip rates would increase emissions with a likely impact on the ecology of Askham Bog.

- x. A contribution towards the required additional school places generated by the residential development has been requested but not agreed with the applicant. Without the required contribution it is considered that the development would place undue pressure on the existing school system.
- xi. The Applicant has put forward a number of benefits that they consider the development would provide. Officers have carefully assessed these and consider that, whilst the scheme would provide benefits including the delivery of new housing, they do not individually, or cumulatively, clearly outweigh the harm to the Green Belt through inappropriateness and other identified harm. This is even when emerging Local Plan policy SS2 is given limited weight as a result of the unresolved objections and the stage of preparation of the Plan. Officers have accorded great weight to the harm to Askham Bog SSSI. Para.175 of the NPPF states that 'development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it should not normally be permitted'.
- xii. Officers consider that, even with the limited weight which can be afforded to policy SS2, the harm to the SSSI that has been identified is so significant when combined with other identified harm that the benefits of the scheme, as put forward by the Applicant, are insufficient either individually or cumulatively to clearly outweigh the identified harm that the proposal would cause. Therefore the very special circumstances necessary to justify the proposal do not exist and officers recommend that the application be refused.

16. Land to the North and East of Grid House, Metcalfe Lane, Osbaldwick, York [18/01778/FULM]

Members considered a Major Full Application from Andrew Black for the erection of 40 dwellings with associated roads,

landscaping and public open space at Land To The North And East Of Grid House Metcalfe Lane Osbaldwick York.

Officers gave an overview the scheme to Members noting that the CTMP had been submitted and because it was a preliminary plan, there was therefore a condition proposed regarding the S106. During the Officer update, clarification was given on neighbour responses and the education contribution. Members were informed an update to the Plans Conditions. It was reported the additional information had been assessed and the planning balance and the recommendation remained unchanged from the published report.

In response to questions from a Member, the Applicant explained that having looked at the district heat network, ground source heat pumps were to be used instead of photovoltaic panels.

Officers were asked and explained:

- How the education places were calculated.
- That the Ecologist had raised no objections to the scheme.
- There had been a request for different access routes to the site from local residents.
- Fifth Avenue would be used for access to the site. Because of land for There could not be different access arrangements because of the land ownership of sites.
- The Applicant had indicated that they would carry out surveys on the condition of Fifth Avenue, which was included in the CTMP. There was a dilapidation survey carried out at phase 3 and there would be another one carried out at the end of the development.
- The access routes to the site were clarified.
- When a contractor had been appointed, further detail on the CTMP would follow and detailed matters would be resolved, which would be covered through Section 38 agreement, including road materials. Conditions had been requested.
- Traffic Management would work with the Applicant on the traffic management plan.

The Applicant, Andrew Black, spoke in support of the application. He explained that the development would provide 400 new homes on a brownfield site, 200 of which would be affordable. He noted that since the deferral of the application Joseph Rowntree Housing Trust (JRHT) had met with local Councillors and residents. Referring to the contractors delivering

the scheme, he noted that the previous development partner contractor would not be considered as part of the tender process.

In response to Member questions concerning the CTMP, Mr Black explained that the CTMP was not exhaustible and that JRHT would continue to meet with residents to discuss the CTMP

Further questions were raised by Members to which Mr Black responded that:

- Enforcement action from CYC would be used if needed.
- The articulated lorries being used had reduced from 42 tonne to 32 tonne vehicles.
- The current preference for energy was for ground source heat pump and the use of photovoltaic panels had never been a part of the energy strategy at Derwenthorpe.
- There were charging points in the centre of parking areas.
- The right of access down Metcalf Lane was for maintenance only and Fifth Avenue and Derwent Way were considered the most appropriate access route to the site.

Cllr Rowley in his capacity as a Councillor and Vice Chair of Governors at St Aelred's RC Primary School, spoke in objection to the application. He expressed concern that there was no S106 funding for St Aelred's school and he requested that the Committee defer the application in order to receive clarification on the S106 funding and traffic management plan. He was asked and confirmed that the current situation remained unchanged with there being no offer of funding and no signage being installed. He explained the problems caused by construction traffic.

Officers then gave clarification on the education funding position noting that a contribution to a secondary school would be procured via the S106 Agreement.

Cllr Webb, Heworth Ward Councillor, spoke in objection to the application. He explained that the lack of a traffic management plan would adversely affect the amenity of residents and suggested that an alternative entrance needed to be considered. He questioned what provision was in place for St Aelred's school. He outlined the problems with works vehicles travelling down Fifth Avenue which he suggested were flouting

conditions. He added that the problems with traffic began in December 2010.

Mr Black was then given the opportunity to address the points raised by the speakers in objection. He explained that JRHT had requested information from the Local Authority on how the S106 finding had been spent. He also noted that Fifth Avenue entrance was not their preferred entrance.

In request to a question from Members, the Senior Solicitor clarified that there could be a condition for the development not to commence until the CTMP had been submitted and approved by officers.

Resolved: That the application be approved subject to:

- a) Additional conditions with regard to electronic car charging points and renewable energy as detailed in the officer update and the final wording of the additional conditions to be delegated to officers to be agreed with the Committee Chair and Vice Chair.
- b) The Section 106 to include a full construction management plan which should be made available to Ward Councillors and to delegated to officers to be agreed with the Committee Chair and Vice Chair.

Reason:

- a) The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 144 of the NPPF and by definition causes harm to the Green Belt. This harm, and other limited harm to openness of the Green Belt, must be afforded substantial weight and very special circumstances will not exist to justify the development unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- b) It is considered that the other considerations set out in paragraph 4.60 of the Committee Report, together with mitigation of other harm

through planning conditions and obligations, clearly outweigh the potential harm to the Green Belt, even when affording this harm substantial weight. This, therefore, amounts to the very special circumstances necessary to justify the development.

- c) Any approval is subject to the signing of a Section 106 Agreement to cover the following matters, to include any necessary consequential variations being made to the original Section 106 obligation. The applicant has confirmed agreement to these heads of terms:
- 1) Affordable housing provision:- Provision of 9 no. affordable dwellings, being 5 no. social rented units and 4 no. shared ownership;
 - 2) Education:- £103,512 towards the cost of additional school places at Archbishop Holgate's Secondary Academy. An education contribution is required for secondary age provision (6 anticipated secondary pupil yield x 17,251 cost multiplier 2018/19 =£103,512).
 - 3) Off-site sports provision:- Financial contribution of £25,986, of which £15,000 would be allocated to outdoor sport and ancillary facilities at Burnholme Sports Pitches and £10,986 would be allocated to Osbaldwick Sports Club;
 - 4) Construction Traffic Management Plan:- Provision of a detailed Construction Traffic Management Plan that would be based on and incorporating the submitted preliminary statement submitted 7.6.19;
 - 5) Sustainable Travel:- Payment to the occupier upon first occupation of each residential unit either: £150 per dwelling towards the provision of a travel pass to

permit one adult to travel free of charge on buses operated within the Council's area, or a non-transferable voucher to the value of £150 to be used to purchase a bicycle;

- d) In light of the above, the proposal, subject to conditions and planning obligations, is considered to be acceptable in planning terms and complies with national and local planning policy. The application is, therefore, recommended for approval subject to the completion of a section 106 agreement and the conditions.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 7.00 pm].

Meeting	Planning Committee
Date	16 January 2020
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre [minutes 31-37 inclusive], Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Fitzpatrick, Hollyer [minutes 31-36 inclusive], Kilbane, Perrett, Warters and Widdowson

31. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. None were declared.

32. Minutes

Resolved: That the minutes of the last meeting held on 14 November 2019 be approved and then signed by the chair as a correct record.

33. Public Participation

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

34. Plans List

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

**35. Frederick House, Fulford Road, York YO10 4EG
[19/00603/FULM]**

Members considered a major full application from Summix FHY Developments Ltd for the erection of six purpose-built 4 storey student accommodation buildings (providing 368 bedrooms), associated change of use of and alterations to the existing 'Guard House' building to a multi-amenity use associated with the accommodation, construction of energy/plant facility, car and cycle parking, refuse/recycling storage and landscaping (re-submission of withdrawn application 18/02797/FULM) at Frederick House Fulford Road, York.

An officer update was given under which Members were updated on the objections have been received from local residents following re-consultation. There had also been a consultation response from Highways, who confirmed that that the scheme has been further reviewed and drawings revised to increased cycle parking. The Highways letter also stated that the applicant had agreed to detailed design of the improvements to the pedestrian refuge on Fulford Road and the extension of the shared use path to the existing pelican crossing north of Kilburn road to be incorporated into the planning conditions and/or S106 requirements. Members were also advised of an additional condition relating to a parking survey. It was noted that the additional information had been assessed and the planning balance and the recommendation are unchanged from the published report.

In response to Member questions, officers explained that:

- The success of the design would be in the details and quality of the construction and landscaping.
- The height of the buildings in relation to neighbouring buildings, including those on Kilburn Road.
- The shared pedestrian footpath had been extended to the north of the site.
- The applicant had offered a sample bus pass to students for free when they arrived.
- The transport team had retracted their objection to the cycle parking.
- The 2018 travel survey results did not give an indication of student car ownership.

- The applicant had used aerial photography to determine to level of parking on side streets.
- There was some provision for off street parking on side streets and this needed to be considered with developers.
- The highways department had retracted their objection.

Bryn Bircher, a local resident, spoke in objection to the application. He explained where he lived and explained that the buildings were too big and too close to residential buildings, blocking their light. He noted that the proposed building was higher than the current building and was much closer to the boundary. He requested that the application be deferred.

Angela Johnson, Chair of the Low Moor Allotments Association and a local resident, spoke in objection to the application in regard to the effect on the allotments. She thanked the applicant for taking the cycle lane away from the allotments. She expressed concern about the gate at the Walmgate Stray end of the cycle lane. She noted that the allotment plot holders had not received notification of the application and added that all stakeholders affected should have been consulted. In response to Member questions she confirmed that it would be useful to discuss the gate and additional barriers for accessibility with the applicant.

Stuart Black, agent for the applicant, spoke in support of the application. He confirmed that the allotment had been written to and as there had been no reply, that there may have been problems with email. He noted that the applicant would be happy to work with them. He explained the layout of the accommodation that was for first, second and third year students, who were generally good neighbours. The accommodation was also built in a sustainable location that would be well run.

In answer to Member questions, Mr Black clarified that:

- The scheme would be operated as car free in principle and the tenancy agreement would stipulate that students could not bring cars onto the property.
- The provision of bus passes could be reviewed after a year and the provision of a bus passes would be passed on through rent.
- The provision of a bus pass could not be made to perpetuity as the applicant did not have all of the information needed in order to do this.

- The height of the buildings were within the remit for the application.
- The current travel survey was taken as a benchmark and the applicant would be happy to work with officers on the frequency of the survey.
- There would be an on-site manager that would be the liaison point with local residents and any problems could be checked by looking at CCTV.

Barry Rankin, agent for the applicant, spoke in support of the application. He outlined the height of the buildings in detail noting the scale and height of the buildings were considered acceptable. He noted that the applicant considered the building to be one of the most sustainable student site facilities in York.

Members asked Mr Rankin a number of questions to which he gave clarification on:

- The external lighting on the buildings
- The height of the buildings, which at 1.5m over the height range was considered to be acceptable.

Then, in response to further questions, officers clarified that:

- There was an increase in height but the gaps between the buildings had been broken up.
- It was possible to have parking zones on unadopted highways.
- The gaps in the buildings were acceptable within the NPPF.

Resolved: That the application be approved subject to a Section 106 agreement, conditions listed in the report and following additional condition:

Additional condition

Parking survey. Wording as follows:

No development (other than demolition) shall take place until the developer has carried out a survey of on street parking on highways with an area previously agreed with the local planning authority and thereafter to repeat the survey annually. The surveys shall be carried out to a specification and at a time agreed with the local planning authority.

Within three months of the annual survey being carried out, the developer will review the on street parking survey results and submit the review to the local planning authority to demonstrate whether the volume of on street parking in any of the areas shown on the plan has increased by more than 20% of the first annual survey as a consequence of the development.

Reason: To monitor on-street parking levels as result of the development and to determine if as a result of the development, further previously agreed measures are required to be undertaken by developer to restrict on street parking in this areas.

Reasons:

- i. Paragraph 11 of the NPPF states that where there are no relevant development plan policies planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this case, there are no restrictive NPPF policies that give a clear reason for refusing the proposals and the proposed development is considered to be acceptable in principle with justification for the student housing provided. It is also noted that the provision 368 student housing beds is positive with regard to the national and local policy requirements for new housing. A condition is recommended that the site be restricted to student housing, otherwise affordable housing contributions would be required. With regard to the loss of employment at the site it is noted there is a permitted development fall back to convert the existing building to a residential use. Furthermore it is noted that the existing building due to its scale and age is unlikely to be attractive to potential commercial operators.

- ii. The revised design of the site is considered to be an improvement to both the original submitted scheme in 2018 and also the initial resubmission in 2019. It is noted that there is relatively limited public view of the site and that some of the design constraints of the site such as the 'dead end' nature and the lack of access to the south and east are outside of the applicant's control to remedy. The landscaping scheme is considered acceptable and the TPO'd trees on site can be retained. Conditions are proposed with regard materials, landscaping and tree protection.
- iii. The proposed development, including the erection of new buildings, the alterations to the Guard House and the retention of the protected trees are considered to preserve the character of the Fulford Road conservation area.
- iv. The proposed development is also considered to be acceptable with regards to ecology, noise, light, privacy, contaminated land and also archaeology subject to recommended conditions.
- v. It is recognised that there are concerns with regard to parking and highway safety that include an objection from the Highways Officer and also from local residents. This is primarily due to the distance of the site from the University of York, particularly during inclement weather or poor light which will reduce the appeal of travelling via Walmgate Stray to the university. The resultant concerns are that this will lead to increased use of Kilburn Road both by cyclists and also for on street parking. The applicant has proposed measures to restrict private car usage including subject to a legal agreement covering car ownership in student tenancies, parking surveys and if deemed contributions towards permit parking for residents of nearby streets.
- vi. In the planning balance it is considered that the identified benefits of the site, including the re-use of brownfield land for residential use and the sustainable transport measures proposed. Significant weight should be given to the acceptable

design and the positive landscaping scheme in favour of granting planning permission, as should the sustainable design and construction measures. Limited weight should also be attached to the proposed ecological enhancements. While the objection from Highways is acknowledged and this should carry appropriate weight in the decision making process, moderate weight should also be attached to previous appeal decisions that have indicated that the principle of using planning conditions or obligations to control student parking via tenancy agreements is acceptable. Overall, the proposal is considered to comply with Paragraph 11 of the NPPF in that the adverse impacts do not significantly or demonstrably outweigh the identified benefits.

**36. Naburn Lock, York Road, Naburn, York, YO19 4RU
[18/02552/FUL]**

Members considered a full application from Ewan Campbell-Lendrum for a hydroelectric generation plant and associated infrastructure including turbine house, hydraulic channels, intake screen, crane pad and electrical substation at Naburn Lock, York Road, Naburn, York.

Officers updated Members on the application, noting additions to condition 2 drawing numbers, a minor report spelling clarification and the applicant's response to the objections raised. It was noted that the additional information had been assessed and the planning balance and the recommendation are unchanged from the published report.

Officers were asked and noted that:

- The Canal and River Trust was the land owner.
- There was no direct evidence of otters in the area.
- The grid connection was a matter of discussion between the applicant and grid provider.
- The fish harbour allows the fish to go upstream and there was already a fish pass on the weir. The design in the application was an improved design.
- The timescale for the hydroelectric generation plant could not be shortened through the planning process.

- The agent for the applicant stated that the size of the hydroelectric generation plant was optimal.

Resolved: That the application be approved subject to the following amendment to condition 2:

Condition 2

Add the following drawing numbers:

1. 2350005 – Development Boundary
2. ARBTECH TPP01 Rev A – Tree Protection Plan

Reason:

- i. Naburn Lock is located on the River Ouse in a rural location to the south of Naburn village. The construction of the locks (in 1757 and 1888) has created an island upon which is located the workshops, stores and offices associated with the operation and maintenance of the lock. Directly to the east lies the Naburn Banqueting House, a Grade II listed building, together with the lock keeper's house. The locks themselves are separately listed at Grade II. Planning permission is sought for construction of a hydroelectric generating plant together with associated infrastructure on the western bank of the island.
- ii. The proposal would constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt and should not be approved other than in very special circumstances. However, it is considered that the impact of the proposal on the openness of the Green Belt would be mitigated by the characteristics of the locality and its setting adjacent to Naburn Lock. Whilst the proposal represents a relatively small scale project, Central Government guidance in the NPPF makes it clear that local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application if its impacts are (or can be made) acceptable. With this in mind, and bearing in mind the nature of the location and characteristics of the application site, it is considered that very

special circumstances exist that clearly outweigh the harm to the Green Belt. No other harms have been identified arising from the proposal.

- iii. In terms of the previously identified significant concerns relating to harm to local habitat and biodiversity the proposal has been amended in detail and additional information provided which allows for the previously identified harm to the habitat of the ocean and river lamprey to be effectively mitigated and harm to the habitat of the sand martin and tansy beetle avoided altogether subject to any permission being properly conditioned. Subject to conditions, no objections are raised by the Environment Agency or Natural England, or by the Council's Ecologist. In accordance with paragraph 154 of the NPPF relating to renewable energy projects, it is considered that the impacts of the proposal can be made acceptable through the imposition of appropriate conditions, and the application is recommended for approval.

**37. Vacant site, Eboracum Way, York, YO31 7RE
[19/01467/FULM]**

Members considered a major full application from Tiger Developments Limited for the erection of a 5 storey apartment building with basement comprising 62 residential units (Use Class C3), associated car parking and landscaping works at the vacant site, Eboracum Way, York, YO31 7RE.

An officer update was given under which the address of the application was clarified and Members were informed that revised plans had been issued to clarify the variable scale of the building on the opposite side of Layerthorpe. There was also an extra condition concerning the restricted use of flat roof areas, an amendment to the condition 10 (and informative), and to conditions 11 and 12. The additional information had been assessed and the planning balance and the recommendation was unchanged from the published report.

Following the update, Officers were asked and confirmed:

- The application was policy compliant in terms of sustainable construction.

- That a request had been made to officers in terms of the open space associated with the application.
- The distances between the buildings and neighbouring properties.
- The reasons for affordable housing being on the ground floor.
- That the street lighting for 119 and 121 Layerthorpe was not within the applicant's control.
- That the lighting on site could be conditioned as part of the landscaping scheme.
- The fifth floor component was set within the footprint of the building.
- How the scheme would fit in with surrounding buildings.
- That regarding early years provision, officers were content that there was capacity within existing places in early years settings.
- The amount of car parking was based on location and connectivity.
- The daylight and sunlight assessments were undertaken via the impact on windows and not gardens. It was explained why these assessments came out as acceptable.
- There were national space elements for building densities if there was an adopted Local Plan. As there was no Local Plan, officers were content that the floorplan was of a reasonable size.

Margaret Binnington, a neighbouring resident, spoke in objection to the application on the basis of the height and size of the development, and that it was out of place in the local area. She referred to the council home delivery plan and asked why there was not more social housing and less private development in order to support the local community.

In response to Member questions, Ms Binnington explained that:

- She had not been consulted on the application.
- Concerning the access and egress of construction traffic she questioned where the builders would park and where construction equipment would be stored.

Rupert Litherland, the agent for the applicant, spoke in support of the application. He explained that consultation on the scheme finished on 17 July and there had been three letters in objection

and three in support. He explained that the buildings met national housing standards and 20% affordable housing, and promoted sustainable travel through the 66 cycle spaces and 45 car parking spaces. He added that the building used sustainable technology and that the lighting was compliant with national standards.

Members asked Mr Litherland a number of questions to which he clarified:

- The ownership of roads adjoining the site, one of which was under the ownership of the gas board. Officers clarified the public right of way adjacent to the site.
- Construction traffic would be conditioned by a CEMP.
- The 2m drop on the boundary to the site was a boundary treatment.
- Regarding car parking it was originally hoped that the site would be car free
- The applicant had written to the residents at 119 and 121 Layerthorpe.
- It was not known whether the viability of a development without a fifth floor had been considered.

Councillor Craghill, Ward Member, spoke on the application. She commented that it was good to see a development on a neglected site. However, she had major concerns about the height and massing of the development. She welcomed the affordable housing and asked that if minded to approve the application that the committee seek specific requirements for contractor parking during the construction phase, that clarity was sought on the ownership of the lane at the side of the site, and that the provision of open space be delegated to Chair and officers.

Further questions were then raised by Members. Officers confirmed that:

- The committee could delegate officers to negotiate the S106 agreement.
- Highways could ask for the detail of contractor parking.
- Lighting could be conditioned.

Deferral of the application was moved and seconded on the basis of further detail being required in order to consider the application fully:

Construction management

An amendment to the proposed condition was requested to require approval of where contractors would park.

Education

Further justification and clarification was required with regards early years provision.

Open space

Officers were asked to identify projects where planning obligations could be used towards sport and open space. It was requested that ward members were consulted.

It was then:

Resolved: That the application be deferred until further detail had been provided on the details of construction management, early years provision, and open space provision.

Reason: In order to determine the application fully.

38. Smith And Nephew Plc Research Centre, Innovation Way, Heslington, York YO10 5DF [19/02011/FULM]

Members considered a major full application from the University of York for the change of use of a former research centre (Use Class B1) to non-residential institution for academic use (Use Class D1) with associated external works at the Smith and Nephew Plc Research Centre, Innovation Way, Heslington, York.

Members were provided with an officer update. It was reported that following the Committee Site Visit, there had been further discussion about landscaping along the site frontage with Church Lane, resulting in an indicative landscape plan being submitted. Whilst this was indicative, it showed a commitment by the applicant to reduce the amount of trees being removed along the frontage and replacement planting. Therefore it was recommended that there be amendments to conditions 2 and 4 to reflect this. The additional information had been assessed and the planning balance and the recommendation were unchanged from the published report.

Officers were asked and clarified that:

- Landscaping could be conditioned for the lifetime of the development.
- The university would need to be asked about becoming involved in the planting of replacement trees.
- The use of the BREEAM level of very good was acceptable at the site.
- The applicant had been looking at connectivity onto the site.
- Tree T26, a false acacia, was not retained in the application.
- The car parking proposed was an over provision and would benefit overall parking at the university.
- The car park on the site was currently gated off and was not in use.

Graham Holbeck and Janet O'Neill, the agents for the applicant spoke in support of the application. They explained the retention and replacement of trees. With regard to BREEAM they explained that BREEAM very good was to be used and that there would be an internal fit out of the building. The location of cycle routes into the site was explained and it was clarified that the car parking outside the building was for general use by the university on campus west. It was noted that the university was revisiting its travel plan.

Members raised a number of questions. Mr Holbeck and Ms O'Neill confirmed that:

- The university would be willing to enter a dialogue with the council regarding cycle provision.
- The replacement of trees could be conditioned.
- Pedestrian and cycle access could be looked at as part of the transport plan.
- Regarding the change of the use of the building, the history of the occupancy of the building was explained.
- They could check whether the extractor fans on the building could be removed.
- The pedestrian and cycle access to the site was explained.

It was then:

Resolved: That the application be approved subject to the conditions listed in the report, additional condition

relating to planting and amendments to conditions 2 and 4:

Additional condition

That the planting on the site be retained for perpetuity.

Condition 2 (Plans)

Amended to remove reference to the landscape proposals and tree removal drawings

Condition 4 (Landscaping)

Amended to require a revised landscaping scheme to be submitted for approval as follows:

Notwithstanding the landscape scheme and tree removal drawings submitted with the application, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within three months from commencement of the hereby approved use of the building, which shall illustrate those trees within the site to be retained and specify the number, species, height and position of trees and shrubs or replacement or additional planting. This scheme shall be implemented within a period of six months of approval of the landscaping scheme or within the next planting season (whichever is the sooner). Upon completion of the development, any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in perpetuity in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Note: The landscaping scheme should be based where possible on the indicative Landscape Proposals drawing submitted to the Authority on 15.1.2020, with particular reference to the retained and replacement planting along the Church Lane frontage.

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

Reason: The proposal relates to the re-use by the University of York of an existing B1b research and development building on York Science Park adjacent to University of York Campus West. It has been vacant for around 2 years. The re-use is considered to be acceptable despite the loss of a straight employment use, given that the new occupier is a major employer, that alternative allocation of B1b land is proposed as part of the emerging local plan adjacent to Campus East to meet the City's needs, that there is limited capacity on the existing campuses and that the building was built for a single user. Whilst established trees would be removed, none are protected, some larger trees are to be retained on the roadside frontage and replacement planting is proposed. The site is sustainably located and accessible, though further details of cycle parking are required. There would be no harm identified to the visual amenity of the surrounding area.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 8.15 pm].

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COMMITTEE REPORT**Committee:** Main**Ward:** Guildhall**Date:** 11 February 2020**Reference:** 19/01467/FULM**Application at:** Vacant Site Eboracum Way York**For:** Erection of 5 storey apartment building with basement comprising 62 residential units (Use Class C3), associated car parking and landscaping works.**By:** Tiger Developments Limited**Application Type:** Major Full Application**Target Date:** 31 January 2020**Recommendation:** Approve subject to Section 106 Agreement**1.0 INTRODUCTION**

1.1 The application was deferred at January planning committee. Officers were asked to provide further information on the following matters -

Construction management

An amendment to the proposed condition was requested to require approval of where contractors would park.

Education

Further justification and clarification was required with regards early years provision.

Open space

Officers were asked to identify projects where planning obligations could be used towards sport and open space. It was requested that ward members were consulted.

2.0 APPRAISAL

2.1 Officers comments on the grounds for deferral are as follows -

Construction management

2.2 As requested condition 8 regarding construction management now requires approval of arrangements for contractor parking and arrangements for delivery vehicles.

Planning Obligations

2.3 For obligations to be sought national policy is that they need to be -

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

Education

2.4 Based upon the accommodation mix and Education Supplementary Planning Guidance (June 2019) the maximum number of places that could be required for this development would be 4 places (a contribution of £36,476).

2.5 No contribution has been requested by officers in education because Early Years do not request contributions from relatively small developments unless already high demand in the vicinity and where expansion projects have been identified. The potential contribution could only part fund a project. Due the amount and consequently given the reasons below a contribution is not sought.

- Fluidity of the mixed-market provision in York and consequently the difficulty in identifying projects.
- Few public sector providers offering full-time/full-day places to support working parents, so financial uncertainties particularly for small operators (as discussed below) -
- No public funding available for revenue shortfalls/cash flow so additional premises costs from expansion are at each operator's own risk
- Difficulty in project delivery given small yields and therefore small/phased expansion projects
- Pressure on capacity in the Early Years team to:
 - manage multiple small procurement processes to transparently allocate funds for full or part-funded expansion at the successful bidder(s) premises
 - verify feasibility of multiple small expansion projects
 - work up enforceable contractual mechanisms to safeguard the investment
 - monitor that the successful operator is honouring their obligations in the short, medium and long-term

Open space

2.6 Based on the demand for open space, as detailed in the 2017 Open Space and Green Infrastructure Update, and the off-site contributions as detailed in the 2014 Supplementary Planning Guidance Document Open Space in New Developments the maximum off site contribution that could be sought for this scheme is as follows -

Sport	£19,383
Children's Play	£15,254
Amenity space	£7,138

Sport

2.7 The open space audit advises that we have a shortfall of outdoor sports space in Guildhall Ward and Heworth Ward which the development closely neighbours.

2.8 The closest voluntary sports club to this development is Heworth Tennis Club. The Tennis Club have two courts and a clubhouse on their East Parade home venue, and have recently taken over the management of the two municipal tennis courts at Glen Gardens. This Section 106 contribution could be used to benefit the residents of the proposed development by enhancing the playing surface of the existing tennis courts, improving disabled access onto the East Parade site and through an electronic entry system to the Glen Gardens site to open the courts back up for public pay and play. There could also be Improvements to Glen Gardens Bowling Green, or Basketball Court.

Children's Play

2.9 Based on local policy play space would need to be provided/improved within 480 m of the site. The local play area is at Glen Gardens. Initially officers did not ask for a contribution because there is already a significant amount of S106 money due that will be used upgrading the facility. Following feedback from local councillors it has been confirmed that the play space at Park Grove school is publically accessible and within the catchment area. A contribution could be used towards enhancements at the school.

Amenity space

2.10 The contribution would be used at Monk Bridge Gardens to deliver improved (and fully accessible) footpaths linking to Arran Place, York Gym Club and the Foss islands cycle route.

3.0 CONCLUSION

3.1 At the January planning committee members requested further information in terms of the provision of open space, early years education and the amended condition to require approval of where contractors and construction vehicles would park during the construction period.

3.2 Officers have identified where off site sports facilities, children's play and amenity space could be enhanced at local sites.

3.3 Relevant councillors have been consulted on the provisions identified – Guildhall Ward Councillors and the Executive Member for Culture, Leisure and Communities. Councillors agreed that Monk Bridge is an area local residents wish to see open space enhanced. With regards children's play the use of s106 money at Park Grove

School and St Nick's fields were suggested. In response to this officers have confirmed that it would be appropriate to enhance publically accessible space at the school. St Nick's however is too far away (over 480 m) to be considered.

3.4 No contribution towards early years is sought. Although there is demand for places in the Guildhall Ward, the contribution involved would be minor, even in terms of resourcing project management and procurement work, for example, required in conjunction with releasing fees to any private developers for early years expansion projects. A contribution would not be regulation compliant; officers could not at this time identify a deliverable project in the locality, with the contribution involved, and as it would not lead to any tangible benefit for the development. As such it would fail the tests of being necessary to make the development acceptable and would not be directly related.

4.0 RECOMMENDATION:

4.1 That delegated authority be given to the Assistant Director of Planning and Public Protection to APPROVE the application subject to

- i. the conditions set out in this report; and
- ii. completion of a s106 agreement to secure the following obligations –

Affordable housing

20% on site

Education

£54,711 to be used at Tang Hall Primary (reconfiguration to increase capacity)

£24,987 to be used at Archbishop Holgate (extension to increase capacity)

Car club

First occupants to be offered £200 towards membership/use

Off site sport

£19,383 to be used at Glen Gardens to improve tennis, basketball and bowling green facilities.

Amenity open space

£7,138 to be used at Monk Bridge Gardens to improve accessibility

Children's Play

£15,524 to be used towards publically accessible children's play space at Park Grove School

Recommended conditions:

1 TIME2 Development start within three years

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

Revised drawings received 23.12.2019

Site plan 170097-3DR-00-DR-10003-F.PDF

Drawings 170097 3DR -

B1 20001K

00 20002M

01 20003K

02 20004K

03 20005K

04 20006J

05 20008J

EL 20100 - I, 2010 - I

SE 20200 - I, 20201 - G

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

3 LC1 Land contamination - Site investigation

4 LC2 Land contamination - remediation scheme

5 LC3 Land contamination - remedial works

6 LC4 Land contamination - unexpected contamination

7 NOISE7 Restricted hours of construction

8 Construction Management

Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved plan shall be strictly adhered to throughout the construction period of the development.

The plan shall provide for:

- Wheel washing facilities to prevent mud and detritus getting on to the public highway.
- Arrangements for contractor vehicle parking including details of delivery vehicles and loading / unloading arrangements.
- Measures to control the emission of noise, dust and dirt during construction including appropriate measures.
- A site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment.
- A scheme for recycling/disposing of waste resulting from construction works.
- Measures to control noise during any piling of foundations (if required).

- Point of contact on site for enquiries.
- A complaints procedure. The procedure should detail how a contact number will be advertised to the public, and procedure once a complaint had been received. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the locality.

9 Separate foul and surface water drainage

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

Reason: In the interest of satisfactory and sustainable drainage.

10 Surface water drainage

No construction of the development hereby permitted (excluding groundworks to achieve the approved site levels) shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid increased flood risk, in accordance with NPPF paragraphs 163 and 165 and policy ENV5 - Sustainable Drainage of the Publication Draft Local Plan.

INFORMATIVE

Peak run-off from shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

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

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

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

11 Large scale details

Large scale typical details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of above ground works and the works shall be carried out in accordance with the approved details.

- Plinth / ground level interface including car park grilles shown set in reveals
- Windows - typical details of each type shown in context, to include metal window infill panels and balustrading.

- Projecting balconies (to include soffit)
- Angled feature bays
- Roof level including parapet / guarding
- Plant roof screening (it is expected this is finished in a way that relates to other materials on the building, such as the cladding panels or the exposed staircase)
- Exposed soffits
- Any permanently fixed equipment for servicing and maintenance (ladders, guarding etc). Note these will generally not be expected unless already on the permitted drawings or are not visibly intrusive.

Reason: In the interests of good design, in accordance with NPPF paragraph 127.

12 Materials

Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The development shall be carried out using the approved materials.

A sample panel of the brickwork to be used on the building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of good design and visual amenity, in accordance with the NPPF, paragraph 127.

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 manufacturers details, when the materials will be available for inspection and where they are located.

13 Sustainable design and construction

The dwellings hereby approved shall achieve the following measures:

- At least a 28% reduction in Dwelling Emission Rate compared to the Target Emission Rate as required under Part L1A of the Building Regulations 2013).
- A maximum water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Prior to first occupation details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved

details.

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

14 Landscaping

The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme (taking into account the location of drainage attenuation proposed to rear of the building and following the strategy as shown on drawing 19052 CO LP 0 01 rev 1).

The scheme shall illustrate hard and soft materials, include a planting and maintenance schedule for the sedum roof, details of the soffit to the undercroft area and the number, species, height and position of trees and shrubs across the site. It shall also show how the pedestrian access ramp on the Layerthorpe side adequately connects with the public realm.

The hard elements of the approved landscaping scheme shall be implemented prior to occupation; the soft elements within a period of six months of the completion of the development.

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

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

15 Secure by design

Secure by Design elements of the development shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The development shall be carried out in accordance with the approved details.

The details shall include means of access control and CCTV coverage to the main building entrances and basement storage areas, in particular CCTV coverage for the cycle parking area.

Reason: In the interests of good design, in accordance with NPPF paragraph 127.

16 Cycle storage

Details of the cycle storage facilities shall be submitted to and approved in writing by

the Local Planning Authority prior to first occupation. The development shall be carried out in accordance with the approved details.

The details shall include the number of spaces, the means for securing cycles (Sheffield stands or similar shall be the predominant means of securing cycles as illustrated on the cycle parking strategy drawing 20001K), and the setting out of the spaces (including confirmation of compliance with manufacturer's recommendations in this respect).

Reason: To promote sustainable transport in accordance with section 9 of the NPPF.

17 Electric vehicle facilities

Before the occupation of the development, a minimum of 2 parking bays, which shall incorporate facilities for charging electric vehicles shall be provided on site. In addition, a minimum of 2 additional parking bays shall be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays shall be provided with all necessary cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future. The trigger for installation of additional facilities shall be detailed in the Travel Plan for the development.

Within 3 months of the first occupation of the development, an Electric Vehicle Recharging Point Management Plan shall be submitted to and approved in writing by the Council. The plan will detail the location and specification of the facilities, management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

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

18 Travel Plan

The development shall be operated in accordance with the interim Travel Plan dated June 2019.

Following completion of the first residential travel survey (required once 50% of apartments are occupied) measures to ensure the target residential modal split is met for the lifetime of the Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall include measures for promoting and increasing awareness of electric vehicles and car club. The Travel Plan shall be implemented in accordance with the approved details.

Reason: To promote sustainable travel in accordance with NPPF section 9.

19 Noise levels

The development hereby permitted shall as, a minimum, incorporate the acoustic performance requirements (glazing / ventilation specification) recommended in table 5 of the MZA Acoustics noise assessment (ref 1700283 dated July 2019).

Reason: In the interests of future resident's amenity, in accordance with NPPF paragraphs 127 and 180.

20 Basement Area

The basement area shall be used for ancillary storage only and shall not be converted into apartments/living accommodation.

Reason: To ensure adequate storage space for car parking, cycles and bins, in the interests of good design and residential amenity, in accordance with NPPF paragraph 127.

21 Use of flat roof areas

At proposed level 3 (as shown on drawing 20004) only the flat roof areas annotated as "terrace" shall be used for outside amenity space. These areas shall be enclosed by railings/balustrades as shown on the approved plans. Any other areas of flat roof on the building shall have access for maintenance only.

Reason: In the interests of residential amenity; to prevent overlooking, in accordance with NPPF paragraph 127.

7.0 INFORMATIVES:

Notes to Applicant

1. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: advised on the revised plans required on visual and residential amenity grounds and with regards sustainable travel, and through the use of planning conditions and obligations.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323

19/01467/FULM

Vacant Site, Eboracum Way



Scale : 1:1059

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	03 February 2020
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 February 2020 **Ward:** Hull Road
Team: East Area **Parish:** Heslington Parish
Council

Reference: 19/02540/REMM
Application at: Proposed Research Centre Lakeside Way Heslington York
For: Reserved matters application for approval of siting, design, external appearance and landscaping of a research centre building with associated access, cycle parking and landscaping following outline permission 15/02923/OUT.
By: University of York
Application Type: Major Reserved Matters Application
Target Date: 28 February 2020
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 This application relates to the development of a new purpose-built research and laboratory space for the York Global Institute of Safe Autonomy at the University of York East Campus located to the east of Heslington Village. The development is in the 'Cluster 2' part of Campus East located to the north of Lakeside Way and east of the central vista. The Design Brief including Masterplan for Cluster 2 shows the cluster divided into two residential colleges, Langwith and Constantine with a central and southern area of academic, commercial and knowledge transfer activity.

1.2 East Campus was formerly agricultural fields with no special landscape quality. Following outline consent for the development of the site as a campus for the University, the East Campus has started to evolve; Cluster 1 to the west of the campus provides academic departments and teaching buildings along with Goodricke College, with Cluster 3 at the eastern edge of the campus provides sports village and pitches. Cluster 4 is the most westerly part of the campus is currently being developed to provide student accommodation.

1.3 In line with the outline consent and the approved design brief with masterplan, this is an application for reserved matters (siting, design, external appearance and landscaping) to provide a purpose-built research and laboratory space including office accommodation, seminar rooms, external storage building (for test vehicles) and external test area.

1.4 The research building is broadly rectangular and occupies the centre of the triangular site which is located to the east of the Piazza building and north of

Lakeside Way. There is an existing drainage swale running along the north eastern boundary of the site and an existing plant sub-station to the north eastern corner. There is an existing service road serving the Piazza Building, which provides vehicular access to the site and a new access route from the service route will be created leading to an external test area. The submitted plans also include cycle parking storage for 36 bikes with a visitors bike stand for the parking of 14 cycles.

1.5 This building will be the Institute of Safe Autonomy will be the UK's first research centre dedicated to the design, development, safety and communications for robotics and connected autonomous systems. The project is financed by a grant from the UK Research Partnership Investment Fund alongside funding from the University. The building will provide accommodation for existing staff and postgraduate students (up to 140) from existing departments (Computer Science, Electronic Engineering and Physics).

1.6 The building design has been driven by its requirement to be highly functional. A number of features this purpose built facility incorporates dictate the arrangement of spaces within and externally to the building. Laboratories and test spaces are provided on the ground floor with offices on the first floor. The building will also incorporate a double height test space, viewing terrace and control room. The building will be used to monitor water based research projects on the lake as well as the external test area. The second floor will provide a specific Quant Lab and hoist high altitude platforms (HAP). These require a clear line of sight above the building and direct access to the external test area on the roof top

1.7 Officers are satisfied that the environmental information already submitted in respect of the development of the Heslington East Campus is sufficient to assess the environmental effects of this development. As such no addendum to the Environmental Statement has been sought. Nor does the submission include further information or any other substantive information that would require further publicity under the Environmental Impact Regulations 2011.

Planning History

1.8 Substantial history relating to the development of the campus and other clusters, however the outline consents and other applications relevant to this application for reserved matters includes:

04/01700/OUT Outline application for development of a university campus; permitted 24 May 2007

08/00005/OUT increase building slab levels (building heights to remain unchanged); permitted 18 July 2008

2.0 POLICY CONTEXT

2.1 Publication Draft Local Plan 2018

SS22	University of York Expansion (ST27)
ED1	University of York
ED3	Campus East
D1	Placemaking
D6	Archaeology
CC2	Sustainable Design and Construction of New Development

2.2 Draft 2005 Development Control Local Plan (DCLP)

ED6	University of York Heslington Campus
ED9	University of York New Campus
GP1	Design
GP4A	Sustainability

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (Archaeology)

3.1 The site would appear to be within the area defined in the Archaeological Remains Management Plan (ARMP, Ver_01 June 2007) as Area B3. Areas with the prefix B were defined as areas of secondary archaeological importance. It is not considered that there is any requirement for any further archaeological work in advance of the construction of Safe Autonomy Building although the heritage statement addresses archaeology in this location and no further archaeological work is required in respect to this particular application.

Design, Conservation and Sustainable Development (Ecology)

3.2 The site is predominately bare ground and rough grassland and do not consider that a preliminary Ecological Appraisal would be required in respect to the siting of the building. However reference is made in the application documents that the Lake may be used for testing. There is no detail in respect to what the testing of the Lake may comprise of, including frequency and duration, types of vehicles and other robotic equipment which could disturb the aquatic environment, and how the Lake would be accessed to carry this out.

Public Protection (PP)

3.3 Land contamination – request reports referred to by applicant.

3.4 Construction noise and dust- recommend a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during site preparation and construction phases of the development.

Lead Local Flood Authority (LLFA)

3.5 Verbally confirmed that there are no objections to the proposal; during the process of the development of the central lake attenuation storage and discharge rates were agreed for the University campus.

Yorkshire Water

3.6 No objection. It is noted that a public sewer appears to be unaffected although it is strongly advised that the developer surveys the site to obtain its exact position.

Ouse and Derwent Internal Drainage Board

3.7 The Drainage Strategy Statement date November 2019 indicates the applicant proposed to discharge into the lake which then ultimately discharged in to two Board maintained watercourses. The development site appears to fall within the 'catchment area' previously agreed planning permission (08/02543/REMM) relating to the construction of central lake and raising of Kimberlow Hill where the attenuation storage for the main feature lake and the discharge rates were agreed into the Board maintained watercourse for a total of 116 hectare of the University campus. On this basis the Board has no objection to the drainage proposal.

Heslington Parish Council

3.8 Objection; the overall height exceeds the previous agreed limits and the University has not engaged with the community as required by the S106 of the outline permission.

4.0 REPRESENTATIONS

4.1 The application was advertised by site and press notice. No letters of representation have been received.

5.0 APPRAISAL

5.1 Key Issues:

- Principle of a research facility
- Siting, Design and Scale
- Landscape
- Accessibility and Parking

- Sustainability
- Archaeology
- Ecology
- Drainage
- Construction Impacts
- Land Contamination
- Community Engagement

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

5.2 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied.

5.3 The planning system should 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. In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development.

5.4 Section 12 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

PUBLICATION DRAFT LOCAL PLAN (2018)

5.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

5.6 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.7 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the

statutory development plan, its policies are considered to be capable of being material considerations and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

ASSESSMENT

Principle

5.8 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007 (and subsequently amended). This research facility is classified as a University use complying with condition 5 of the outline consent that restricted development on the site to university uses.

5.9 The development would be wholly situated within the allocated area in accordance with Plan C (i). The outline consent identified an allocated area of 65ha, with a condition (no.4) restricting the developed footprint (to include buildings, car parks and access roads) within this allocated area to 23% of the total area, which is approximately 14.94ha. The University have confirmed that the consented development within the allocated area to date totals 9.12ha.

5.10 The development proposed, the research facility building and storage building will collectively provide a footprint of 1787sqm. The overall development within the allocated area would rise to 9.30ha, which is 14.3% of the total area conforming to the requirements of condition 4 of the outline consent.

5.11 The development has been considered against the design principles agreed under the Cluster 2 Design Brief including Masterplan and Landscape Design Brief. The site is identified as one of four development plots identified for academic/commercial uses alongside Lakeside Way. There is a vacant development plot remaining to the east of the site and follows the sequence of development from the Piazza Building. There remains an opportunity to provide a 'T-shape' of academic buildings running through the southern and central elements of the cluster and dissecting the college blocks on either side of it. The building has frontages on all four sides. It is considered that the proposed development would not compromise the design principles outlined in the approved Cluster 2 Design Brief including Masterplan and Landscape Design Brief.

Siting, Design and Scale

5.12 The siting and scale of the proposed development is guided by the conditions imposed on the outline consent. This includes zoning to distinguish areas of higher density with areas of lower density; the area of higher density is positioned to the north of the existing position of Lakeside Way and the lower density to the south.

This is to achieve stepped development, from undeveloped land to the south increasing the height and density of the development as it moves northwards. Building heights are limited to 3 or 4 storeys, depending on the zone, which is set out in plan C (ii) Rev A of the outline consent.

5.13 The proposed research facility building is located within Zone J, where the maximum building height is 21.538 AOD. The elevation plans illustrate that the building would be 3.1m above the AOD level for Zone J. The additional increase in height arises from the second floor level of the building, which it is noted occupies only part of the building's footprint (350 sqm approx.). The applicant has stated that the building will be dedicated to the design, development safety and communication for robotics and connected autonomous systems, and in order for the building to function appropriately, there are certain requirements the building should provide. These have been discussed above in Section 1 of this report, but in terms of the building's scale, the main catalyst for the height increase above the building heights plan is the specific second floor uses such as the Quant Lab and high altitude platforms (HAP) lab, which are located such that they provide a clear line of sight and access to external testing areas (including the Lake).

5.15 The existing development on the campus has generally complied with the building heights zoning as per plan C (ii) Rev A. The conditions on the outline such as those requiring design briefs and masterplans do allow the design principles of the built development on the campus to adapt and evolve overtime. Moreover, the alignment of the main lake has been altered from its position on the building heights plan and has the effect of dragging the built development further south towards the lake. There is an intention to update the building height plan so it is more closely aligned to development that has already taken place. The building's position within the building heights plan is that whilst it is within Zone J, it is on the boundary with zone I, which allows a maximum building height of 25.850 AOD (the second floor of the proposed building would fall within these parameters (excluding any external plant or stairwell)). The building is also positioned adjacent to the Piazza Learning Centre, which straddles Zone I and the eastern vista, and as a distinctive feature with its domed roof would remain a landmark building.

5.16 Heslington Parish Council has raised an objection in respect to the non-conformity to the building heights plan of the outline consent. However, there are limitations of this plan and how it should be applied given that it does not currently reflect existing built development and the alignment of the Lake. Additionally, it was the intention of the outline consent that buildings do not exceed 3 or 4 storeys, which is achieved. The building is set back from the Lakeside edge and the setting to the lake will be retained. Given the specific function of the building and the requirement of a second floor for the reasons stated, on balance, the non-compliance with the outline building height plan is considered acceptable in this regards. Exception on this specific application does not preclude any other

development that may be brought forward in the future from conforming to the height parameters set out in the outline consent.

5.17 In other respects, the building is designed as a multi-faced building, addressing Lakeside Way to the south, the Piazza learning Centre to the west, the centroid cluster to the north and further academic buildings to the east. This follows the general principles set out in the Cluster 2 Masterplan.

5.18 The building will be constructed primarily in facing buff brick with bronze standing stem cladding to the stairwells, ventilation stacks and control rooms. It is considered that the building would reflect the existing palette of colours. Details in respect to the full palette of external materials can be developed through condition. However, the building is considered to result in a high quality design, reflect the activity inside and is in accordance with the principles established in the masterplan as part of the design brief and in line with the outline consent.

5.19 The smaller storage building will be a flat roof single storey building constructed in facing brick to match the main building. It will have a fairly industrial appearance by the use of four roller shutter doors on the elevation facing into the site. The building will be reflective of other smaller scale structures within the campus, such as the sub-station located to the northern corner.

Landscape

5.20 The existing area of land that the building will be sited is bare ground and rough grassland and there is limited landscaping in this area already. The land comprising the campus was formerly agricultural fields with no special landscape quality. There will be significant hardscaping associated with this development in order to provide external testing area. As such, there are limited opportunities to introduce additional landscaping around the building to complement the wider planting and landscape strategy, however the applicants have set out that they will focus new planting on the peripheries of the site such as the large swath of grassland on the southern side of Lakeside Way. In order to take these opportunities to improve landscaping on this part of the campus, a condition shall require a landscaping plan.

Accessibility and Parking

5.21 Access to East Campus is as existing; bus service, pedestrian and cycle routes via Lakeside Way, accessed from Field Lane to the west as well as vehicular access and bus service, pedestrian and cycle routes from Kimberlow Lane to the east of the campus. From these main routes, there are smaller inter-connecting roads and paths into the site, leading to Piazza Learning Centre and other nearby academic and residential buildings.

5.22 The development itself, as agreed at outline stage, is a car free development. The reserved matters application reinforces this. Further, the building will be occupied by staff and students from existing departments on the University campus. It is therefore anticipated that the increase in vehicular traffic directly attributed to this specific development will be from service and delivery vehicles and visitors.

5.23 The outline consent requires an ongoing undertaking of annual traffic surveys by the University of York. Condition 7 of the outline consent requires reserved matters applications for development in excess of 500 sqm floorspace to be accompanied by a comparison of the predicted traffic flows incorporating the proposed development with the volumes derived from the baseline survey of traffic flows established in the outline condition 6. The applicant advises that compliance with condition 6 is an ongoing requirement with any mitigation measures implemented via the University travel plan. The site is highly accessible for sustainable modes of transport and given that staff and students intending to use the building, it is agreed that the increase in vehicular traffic attributed to this specific building would be limited and any requirement for additional information related to predicted traffic flows would be onerous for this specific development.

5.24 Vehicular access is restricted to servicing and delivery vehicles, with three accessible spaces to be provided for users of the building accessed off Deramore Lane. The submitted plans also include cycle parking storage for 36 bikes with a visitors bike stand for the parking of 14 cycles.

Sustainability

5.25 In line with condition 29 of the outline consent, the application is accompanied by a sustainability statement. This statement demonstrates conformity with the approved sustainability strategy. The strategy states that the University will need to provide a minimum of 10% of energy needs of the campus from renewable energy resources and to achieve a minimum BREEAM rating of 'very good' for all new buildings. I

5.26 In addition, the sustainability statement advise that the detailed design and specification of the building will seek to maximise energy efficiency, incorporating passive design and best practice measures in order to exceed the requirements of Part L of the Building regulations (2013) in line with draft policies CC1 and CC2 of the 2018 Draft Plan.

Archaeology

5.27 An archaeological assessment of the east campus was undertaken as part of the Environmental Impact Assessment for the outline permission. Along with three areas of high archaeological significance (A1-3) there were seven areas of medium significance (B1-7) identified; the building that is the subject of this application lies

largely within one of the medium significant areas, Area B3. As such, the archaeological features and deposits on the application site are undesignated heritage assets. Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.28 The site is set back from the line of Lawrence Street and has seen a degree of disturbance with the construction of the extant buildings. A watching brief and archaeological monitoring of all ground works and grubbing up of foundations is recommended in order that any archaeological deposits are recorded during the construction programme.

5.29 The Heritage Statement submitted in support of the application addresses archaeology in this location and details that no further work is required in respect to this particular application. The Council's Archaeologist agrees with this assessment and in view of NPPF paragraph 197 it is not considered that there would be any harm to non-designated heritage assets (archaeological features and deposits).

Ecology

5.30 As already referenced, the site comprises of bare ground and rough grassland. It is not considered that there would be any undue impact upon biodiversity habitat arising from the siting of the building and external test areas.

5.31 Concern however is raised as to the proposed use of the Lake for testing of robotics and autonomous systems. The Lake whist man-made has been established for over 10 years and the management practices employed by the University have result in a successful habitat for biodiversity. Its primary purpose is a surface water management, acting as balancing ponds and providing attenuation.

5.32 There are however no conditions on the outline consent restricting the use of the Lake, and as it falls within the allocated area (Plan C (i)) for the Campus the use of the Lake for research purposes would not conflict with condition 5 of the outline consent. However, the University of York's Landscape Management Plan 2013/18 details that angling is not permitted on the lake at Heslington East as well as recreational activities are not permitted on the lake.

5.33 The most westerly part of the Lake provides more significant habitat and biodiversity with the Lake area adjacent to the application site, however any water based activities could have a detrimental impact if not properly managed and controlled. There is no information provided explain how the Lake could be used for testing in connection with this research building and further information has been

requested from the University in this aspect. Members will be updated at the meeting.

Drainage

5.34 There is an existing drainage strategy for the campus, with surface water discharging to the Lake. The Lake was constructed to provide sufficient capacity for Campus East, as developed, and therefore an increase to the attenuation volume of the Lake is not required. A separate foul drainage system, will serve the building which will discharge to the existing foul pumping station to the south of Constantine College. No objections have been raised from the Lead Local Flood Authority, nor Yorkshire Water or the Ouse and Derwent Internal Drainage Board.

Construction Impacts

5.35 The Council's Public Protection officer has requested a Construction Environmental Management Plan (CEMP) in order to minimise construction impacts. Conditions imposed on the outline consent require a Construction Environmental Management Plan (CEMP). Additionally, conditions at outline stage secured monitoring and the control of noise from specific locations as well as noise from plant/machinery. It is considered that the users of the surrounding academic buildings and residential college's would be adequately protected via these conditions.

Land Contamination

5.36 A condition secured at outline stage requires the developer to report any ground contamination detected during site works and to agree a programme of remediation, if necessary. The applicants during other development work on the campus advise that there is a low potential of encountering previously unidentified contamination, however this will be monitored during the construction process. The conditions imposed on the outline consent are considered adequate in order to ensure that ground conditions are appropriate for the proposed use.

Community Engagement

Heslington parish Council has raised an objection that the University has not engaged with the community as required by the S106 of the outline permission. The S106 agreement requires the University to use all reasonable endeavours to engage with the Community Forum. The University have engaged with the Community Forum via email with a view of presenting the proposals and providing feedback. It is considered that the minimum requirements of engagement with the Community Forum have been met.

6.0 CONCLUSION

6.1 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007 (and subsequently amended). The application will comply with the requirement for the developed footprint not to exceed 23% of the total area. The outline consent also imposed a number of conditions, relating to construction noise, plant and machinery, sustainability requirements whilst also establishing highways and drainage strategies, which this application will conform to.

6.2 There is however conflict with the proposed main safe autonomy building by virtue of the second floor not conforming to the height parameters set out in plan C (ii) of the outline consent. The building has a specific function and this has directed its design. There is general compliance with the design briefs and masterplan that set out the design principles of built development on the campus and further it is noted that the alignment of the main lake has been altered from its position on the building heights approved plan. Taking these into consideration, and that the resultant building would be of high quality design and reflect the activity inside, on balance, the building is of appropriate design and scale in this location and the exceeding of the height parameters is considered acceptable in this respect.

6.3 The application indicates that there will be some water based testing/activities associated with the work undertaken within this research building, however the information has not been provided to ascertain whether this could have a harmful impact upon aquatic and lake edge and habitat and biodiversity. Officers consider that further discussion relating to this could be addressed through appropriate management and the applicant has agreed to address this issue.

6.4 Notwithstanding the above, the overall quality of the proposal and compliance with the outline consent and subsequent design briefs and masterplans, the proposals represent an acceptable form of development.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Delegated Authority be given to the Assistant Director responsible for Planning and Public Protection to:

- (1) agree and accept such information relating to protecting the biodiversity and habitat of the Lake and Lake's edge as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary and thereafter to approve the application as amended and grant conditional planning permission;
- (2) finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Assistant

Director responsible for Planning and Public Protection considers reasonably necessary.

1 Notwithstanding what is shown on the approved plans, prior to the construction above foundation level of either the safe autonomy building or the storage building, a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include the species, density (spacing), and position of trees, shrubs and other plants, seeding mix, sowing rate, ground levels and swales, hard landscaping materials, lighting, litter/recycling bins and street furniture. The proposals shall also include the species mix for the green roof to the building and cycle stands, and the swale planting and wildflower areas. Where appropriate reference shall be made to the relevant sections of the Environmental Site Management Plan and/or the Landscape Management Plan. Where required it will also include details of ground preparation. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless 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 within the entire site, since the landscape scheme is integral to the amenity of the development in accordance with Policy D2 and GI2 of the Publication draft Local Plan 2018 and the NPPF.

2 Notwithstanding the approved plan, prior to the construction above foundation level of either the safe autonomy building or the storage building details and sample panels of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be constructed in accordance with the approved materials.

Reason: In the interest of achieving a visually cohesive appearance to accord with Policy D1 of the Publication draft Local Plan 2018 and the NPPF.

3 The building shall not be occupied until the cycle parking areas and means of enclosure shown on the submitted plans have been provided within the site, unless otherwise agreed in writing by the Local Planning Authority. The facilities shall not be used for any purpose other than the parking of cycles.

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

8.0 INFORMATIVES:

Notes to Applicant

1. In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- negotiation and discussion regarding the use of the Lake for research purposes

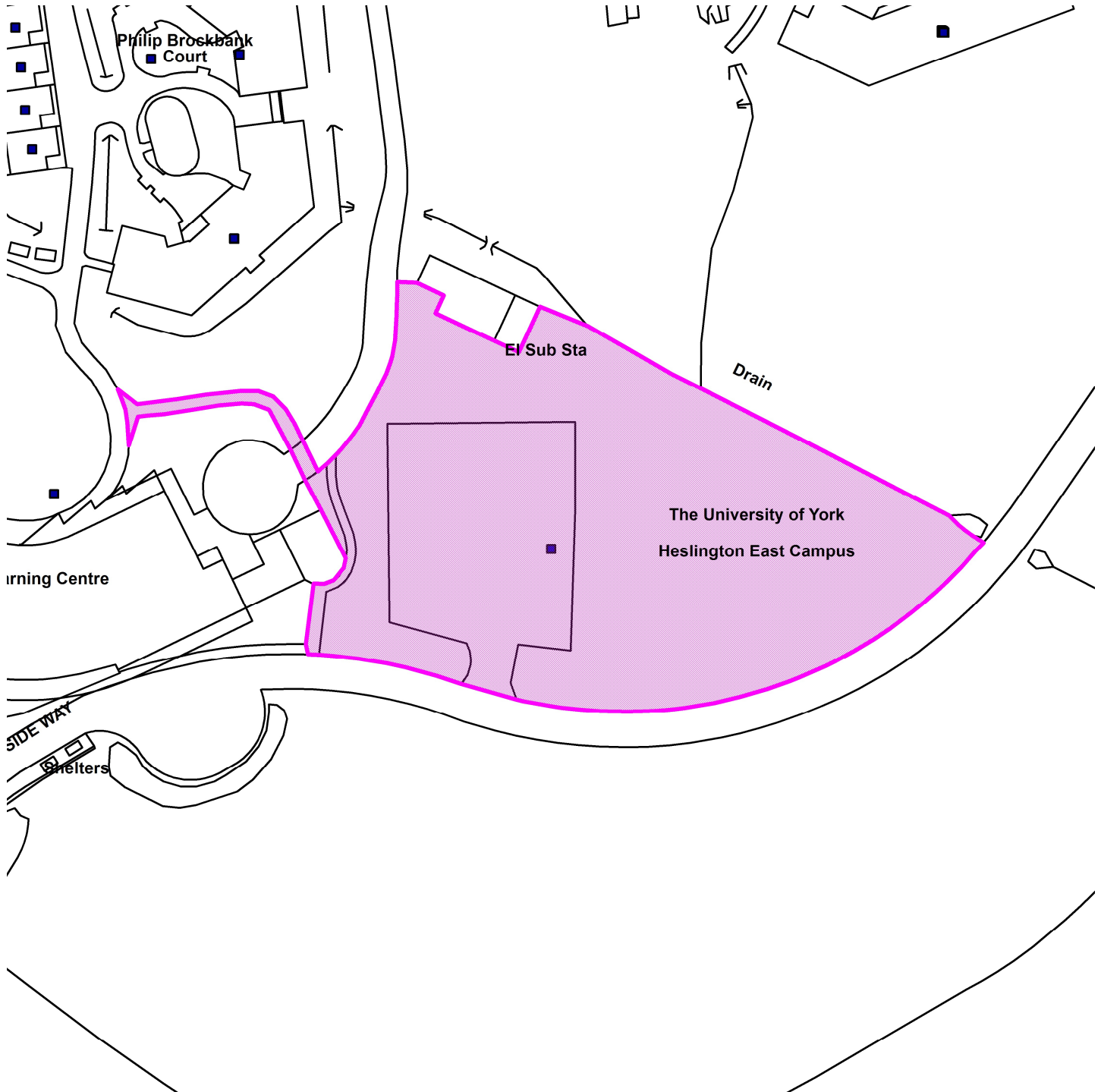
Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575

19/02540/REMM

Proposed Research Centre Lakeside Way Heslington



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Department	Not Set
Comments	Not Set
Date	03 February 2020
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 February 2020 **Ward:** Wheldrake
Team: East Area **Parish:** Elvington Parish Council
Reference: 18/02744/OUTM
Application at: Lindum Group Limited, York Road, Elvington, York YO41 4EP
For: Outline application for the erection of 20no. employment units (Use Classes B1(b), B1(c), B2 and B8) with means of access and landscaping included.
By: Mr J. Nellist
Application Type: Major Outline Application
Target Date: 15 February 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is at the rear of the existing Lindum Group industrial estate, located to the north of York Road, Elvington approximately 10 kilometres to the south east of York. The site lies at the edge of the Elvington Industrial Estate area, which is to the north west of the main village of Elvington.

1.2 The existing industrial estate is a narrow rectangular shape, lying perpendicular to York Road with an off shoot kicking out to the north east, towards the rear of the site. The site is relatively flat and contains existing commercial and industrial buildings with associated hardstanding. There is an existing small woodland to the north of the site. West of the site is existing commercial uses forming part of the existing industrial estate. There is open land to the east of the site, in agricultural and community uses, heading towards the main village of Elvington. The existing vehicular access is via York Road (B1228).

1.3 Outline planning permission is sought for the erection of 20no. employment units with means of access and landscaping included. The units would be for the following use classes:

- B1(b) – Research and development of products and processes.
- B1(c) – Light industry appropriate in a residential area.
- B2 – General Industrial
- B8 – Storage and Distribution

1.4 The application site lies within the general extent of the York Green Belt. The precise boundaries of the Green Belt are to be fixed by the Local Plan. The 2019

modifications to the proposals map of the 2018 Publication Draft Local Plan show the site is not proposed to be in the Green Belt.

2.0 POLICY CONTEXT

Yorkshire and Humber Regional Spatial Strategy (RSS)

2.1 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy YH9C states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period. Policy Y1(c) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

National Planning Policy Framework

2.2 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

2.3 The planning system should 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.

Publication Draft Local Plan 2018

2.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

2.5 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

2.6 Relevant Policies

DP1 York Sub Area
DP2 Sustainable Development
DP3 Sustainable Communities
SS1 Delivering Sustainable Growth for York
SS3 York City Centre
EC5 Rural Economy
D1 Placemaking
GI1 Green Infrastructure
GI2 Biodiversity and Access to Nature
GI4 Trees and Hedgerows
GB1 Development in the Green Belt
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
T1 Sustainable Access
T7 Minimising and Accommodating Generated Trips
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development

2005 Development Control Local Plan

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

3.0 CONSULTATIONS

INTERNAL

Strategic Planning

3.1 The York Green Belt has been established for many years but has never been formally adopted. It is considered that the 2005 local plan, in relation to green belt policy, can only be afforded limited weight. Whilst the Regional Spatial Strategy for Yorkshire and Humber has otherwise been revoked, its York green belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the green belt around York. It is therefore the role of the new Local Plan to define what land is in the green belt and how green belt purposes are interpreted in the York context. Policy GB1 of the 2018 Draft Plan, in relation to the

setting of detailed boundaries for York's Green Belt through the 2018 Draft Plan is considered to have limited weight at this stage in line with para 216 of the NPPF due to the fact that there are unresolved objections to be considered through the examination in public. As such, until a Local Plan for York is adopted, development management decisions in relation to proposals falling within the general extent of the green belt (as defined in the RSS) will be taken on the basis that land is treated as green belt.

3.2 Development in the green belt should not be approved except in very special circumstances; it is for the applicant to prove that very special circumstances exist which would outweigh the potential harm to the Green Belt. Further information is therefore required in relation to demonstrating whether very special circumstances exist before a conclusion can be made on the appropriateness of the proposals.

3.3 Update: The local planning authority consulted on proposed modifications to the 2018 Publication Draft Plan in July 2019. The City of York Local Plan Proposed Modifications (2019) includes at PM40, a policies map Green Belt change at Elvington Industrial Estate. The proposed modification is to the detailed inner Green Belt boundary of the inset urban area of Elvington Industrial Estate to change the eastern boundary to follow recognisable features on the ground before returning westwards around the dense tree copse to the northern boundary. The reason for the change is to correct an error and to ensure that the boundary aligns with recognisable features on the ground that offer the greatest permanence. Further justification for the modification is set out in Topic Paper TP1: Approach to Defining York's Green Belt Addendum (2019) Annex 4.

3.4 Should the Local Plan Inspectors agree with proposed modification PM40 to the inner Green Belt boundary in this location, and the principle of B2 and B8 employment uses in this location would be supported, subject to detailed considerations in relation to environmental protection.

3.5 The applicant's agent has clarified that the B1 use proposed is to be B1b/B1c, and that any B1a office development would be ancillary to the main uses (B2/B8/B1b/B1c). Given that any B1a use is only to be ancillary in nature Policy R1 does not apply in this case. As such there is no requirement for the sequential or impact tests to be undertaken.

3.6 To ensure any B1a development remains ancillary and to protect the vitality and viability of the city centre it is considered that the description of development should be amended to reflect the more detailed uses proposed and to confirm that B1a uses will be ancillary. It is also requested that should planning permission be forthcoming, a condition is attached to ensure B1a uses at the site remain ancillary. We understand the applicant has no objection to this approach.

Economic Growth Team

3.7 The availability of business start-up space is crucial to ensuring that York remains a great place to start a business. Currently the proportion of start-ups in York in relation to its overall business stock is lower than the Yorkshire and Humber average. The availability of suitable business premises is a major factor in why entrepreneurs are looking beyond York's boundary to set up their business.

3.8 Both anecdotal evidence through business engagement and recent office/industrial availability data demonstrates a strong demand for business accommodation (of all sizes) across York. Make It York have reported a strong demand for premises through their Key Account Management visits to local businesses with a large number of searches being requested for office space (averaging around 2,000 sq. ft.) and light industrial units. This is supported by recent office/industrial availability data that shows in the York fringe area, the vacancy rate for office premises under 2,500 sq. ft. is 2.3% - the second lowest in North Yorkshire after Craven. This narrative of limited supply is the same for industrial premises under 2,500 sq. ft. with York's vacancy rate being 1.5% - the lowest out of all comparator cities in England, with limited space likely to become available in the immediate future (the current availability rate for industrial space of this size in York is 2.4%). To put this in perspective, the second lowest vacancy rate was Oxford at 2% with a far higher availability rate at 7.1%, indicating that significantly more industrial space will be available on the market in the immediate future.

3.9 Given the shortage of office and industrial accommodation in York, the proposed development will provide much needed small business accommodation in York to enable business start-ups, support business growth and create jobs for local people. The Economic Growth team supports this proposed scheme.

Landscape Architect

3.10 The trees within the woodland to the north appear to overhang the site, so it would be preferable to reduce the size of the units to pull them further away from this woodland, whilst retaining the proposed strip of planting (which includes new trees, and should be at least 1.5m wide) along the southern boundary of the eastern arm.

3.11 There is one good specimen Oak within the western boundary (T18 – category A). This tree has survived considerable changes to its environment. It is shown as being retained. It is a remnant indicator of a line of trees adjacent to an historic field boundary – now lost to development. On the Epoch 1 maps 1846-1901 a regular line of trees is indicated immediately to the east of the old hedge line, which would probably have been to the east of a ditch. Parking numbers should be reduced to keep all parking bays outside of the root protection area of this tree, and the ground made good beneath it.

3.12 Galvanised mild steel security fencing has already been applied to the entire site boundary. This is part of the character of the business park, but it becomes a bit more incongruous where it kicks out eastwards across the face of the wood and around part of a grazed pasture which is a continuation of the open countryside beyond the business park and the playing field.

3.13 The adjacent playing field is in the green belt, across which there are immediate views of pasture and a rural agricultural landscape, with The Yorkshire Wolds in the distant background.

3.14 The security fencing is somewhat camouflaged by the fencing around the tennis courts in the northwest corner of the adjacent playing field, however the site boundary, and the proposed end unit, would project beyond this, thereby drawing attention. The proposal does include some tree and shrub planting in this corner and along the southeast boundary which would provide some mitigation, but the protrusion of the business park would still be apparent in views across the playing fields.

Countryside and Ecology Officer

3.15 A recent ecological assessment has been undertaken to support this application (Ecological Appraisal, September 2018, by FPCR). The habitats on site are generally considered to be of low ecological value. The ditch present on site, which is to be culverted, was considered to be sub-optimal habitat for Water Voles and no direct evidence of their presence was found. None of the trees had features that could support roosting bats. The site has been cleared in the recent past and there is no habitat suitable for nesting birds other than the standard trees and vegetation on the site boundaries which is to be retained in the proposal.

3.16 The woodland immediately north of the site is recorded on the National Priority Habitat Inventory. Priority Habitats are defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, which means they are a conservation priority. Although outside of the red line boundary the woodland could be impacted by pollution, including noise and light, arising from the businesses and other 'urban edge effects' such as a fly-tipping. It would be preferable for a greater buffer between the woodland and the four new units. The boundary here is a palisade fence which should be retained, or replaced with similar to prevent any encroachment from the development site. Consideration will need to be given to the root protection zones and generally protection during construction.

3.17 The invasive non-native species Himalayan balsam (*Impatiens glandulifera*) is present on site. It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Himalayan balsam is included within this schedule. The submission of a method statement would ensure that an adequate means of

eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

3.18 There are no ponds on site however there is known to be a large meta population of Great Crested Newts within 1km of the site. Great crested newts have full protection under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. In view of the nearby records, care should be taken when clearing the ground prior to development.

3.19 The proposed landscape scheme uses predominantly native species and introduces areas of wildflower rich grassland which is positive for biodiversity.

Environmental Protection Unit

3.20 The initial response requested a noise assessment be undertaken. This was undertaken by the applicant and submitted for consideration. The noise assessment methodology is accepted and the conclusions that this proposed development is suitable, in terms of the noise impact being unlikely to have an adverse effect on the nearby residents is agreed. However, final details of the design, vehicle movements and occupancy of the units is not available at this time. It is therefore advised that the application should not be refused in terms of noise impact however a condition should be placed on any approval requiring an updated noise assessment to be submitted once the hours of operation have been confirmed as well as the use classes of the units in order to determine whether any noise mitigation measures are required.

3.21 Conditions are also suggested for land contamination and details of any external lighting is required.

Highways Network Management

3.22 No objection in principle to use of existing access from York Road, concern over level of parking along western boundary (verbal response)

EXTERNAL

Elvington Parish Council

3.23 No objections

Ouse and Derwent Internal Drainage Board

3.24 The Board does have assets adjacent to the site in the form of Elvington Village / Industrial Estate Dyke; this watercourse is known to be subject to high flows during storm events. A soakaway is the preferred method of surface water drainage. Conditions are recommended should permission be granted.

Yorkshire Water

3.25 Condition recommended to ensure there are separate systems for foul and surface water drainage.

Environment Agency

3.26 The site lies in flood zone 1 so no comments on flood risk grounds. Informatives recommended covering groundwater, contaminated land and waste. The planning authority is advised to satisfy themselves prior to determination with regard to the proposed foul water drainage arrangements.

North Yorkshire Police Designing Out Crime Officer

3.27 Designing out crime report suggests the indicative site plan has many positive characteristics in terms of designing out crime, although there were areas of ambiguous space that could become unsightly.

3.28 Should outline Planning Permission be granted a condition is recommended, requiring full details of what crime prevention measures are to be incorporated into the site, be detailed in any Reserved Matters Application. The condition should require the applicant to show how the issues raised by the Police Designing Out Crime Officer, are to be addressed and should provide rationale and mitigation in relation to any suggestions made in this report that are not to be incorporated.

4.0 REPRESENTATIONS

4.1 The application has been advertised by neighbour notification, press notice and site notice. No responses were received.

5.0 APPRAISAL

- Principle of development
- Development in the Green Belt
- Commercial Uses
- Impact on the character of the area
- Trees
- Ecology
- Drainage
- Highways

- Amenity
- Sustainability

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The Council does not have an adopted local plan that covers the whole local authority. The statutory development plan for the area of the application site comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

PRINCIPLE OF DEVELOPMENT

5.3 While the 2018 Draft Plan proposes to remove the application site from the Green Belt, this plan is not yet adopted. At this stage, the application site is considered to lie within the general extent of the York Green Belt.

5.4 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 goes on to state 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. Buildings in use classes B1, B2 and B8 do not fall within the list of exceptions set out in paragraphs 145-146 of the NPPF and therefore represent inappropriate development.

5.5 Policy GB1 of the 2018 Draft Plan, to which limited weight should be applied, states that within the Green Belt permission will only be granted where:

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

5.6 All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

5.7 The proposed development is outline but it is for the erection of new buildings that would be in B1 (Office), B2 (General Industrial) or B8 (Storage and Distribution) uses. The proposed development does not fall within any of the exceptions set out in national green belt policy and as such is inappropriate development and very

special circumstances would be required for planning permission to be granted as per paragraph 143 of the NPPF.

5.8 While the applicant is of the view that the site currently lies outside of the Green Belt, this is not the view of Council Officers at this stage in the Local Plan examination process and very special circumstances are required. As a result the applicant has submitted additional information that is considered later in this report.

IMPACT ON THE OPENNESS OF THE GREEN BELT

5.9 Paragraph 133 of the NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has been found by the Courts to have both a visual and spatial sense.

5.10 The application is outline in nature but the indicative site plan shows linear development following the narrow shape of the site, with further development in the north eastern section of the site, which kicks out south of an existing tree belt. The linear portion of the development is adjacent to existing development to the west and for the most part to the east and there is considered to be little impact on the openness of the Green Belt in this location in a visual sense. However, the indicative plan shows 4 units located in the north eastern dog leg of the site projecting away from the existing development. While the applicant has highlighted that buildings have historically been located in this location, Council aerial photography indicates that it is likely to be around twenty years since this was the case and as such the dog leg is not considered to constitute previously developed land. The presence of buildings will result in a moderate loss of visual and spatial openness, although they would not appear completely incongruous being located adjacent to the existing built up area of the Industrial Estate.

IMPACT ON THE PURPOSE OF THE GREEN BELT

5.11 Paragraph 134 sets out the five purposes of Green Belt and they are:

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

5.12 The proposed development is considered to result in a limited adverse impact on the purposes of including the land in the Green Belt due to the dog leg projection in the north eastern portion of the site, primarily as a result of limited encroachment into the countryside.

IMPACT ON THE CHARACTER OF THE AREA

5.13 Paragraph 127 of the NPPF considers design and seeks to ensure that developments will, amongst other things, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

5.14 Moderate weight can be attached to Policy D1 of the 2018 Draft Plan which states that 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, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Policy GP1 of the 2005 DCLP also considers design and proposals will be expected to respect or enhance the local environment, but only very limited weight can be afforded this policy.

5.15 Policy D2 of the 2018 Draft Plan states that proposals will be encouraged and supported, where amongst other things, they conserve and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities. Proposals should also recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements and include sustainable, practical, and high quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of spaces and other landscapes.

5.16 The proposed development would act as an extension to the existing secondary development limit of Elvington. The predominantly industrial nature of this part of Elvington has developed somewhat organically over the years, with the character of the area, particularly away from the public highway, being functional in design and often of little architectural merit. The proposal is outline in nature with only a proposed layout plan submitted and landscaping to be fixed. As a larger development which would extend the development limit and provide a new boundary, it is considered the buildings would be capable of achieving an acceptable design and improving the existing urban environment. It is recognised that the projecting dog leg to the north east of the site would be more visually prominent and attention would be required to the design and boundary treatment, including landscaping. Further detail including layout, appearance and scale would be determined at reserved matters stage. At outline it is considered that subject to conditions covering materials and boundary treatment. A condition covering a full landscaping scheme will also be necessary as the layout of the scheme may change at reserved matters stage.

TREES

5.17 While the application is outline and the layout is not fixed, landscaping is being dealt with at this stage. Following concerns raised by the Council's Landscape Architect over the impact on the Oak Tree by the introduction of hard standing over the root protection area, the applicant has submitted revised plans removing 6 car parking spaces that impinged on the root protection area. The site is considered to be capable of taking the proposed level of development and still protecting the tree. Appropriate conditions are recommended to ensure its retention.

BIODIVERSITY

5.18 Paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. Policy GI2 of the 2018 Draft Plan seeks to conserve and enhance York's biodiversity. Where appropriate, development should take account of the potential need for buffer zones around wildlife and biodiversity sites, to ensure the integrity of the site's interest is retained. The development should result in net gain to and help to improve biodiversity.

5.19 The Council's Ecology Officer considered the September 2018 Ecological Appraisal submitted with the planning application which noted the habitats on site were generally considered to be of low ecological value. It is considered that the proposed development, subject to appropriate conditions would be acceptable with regards to biodiversity.

DRAINAGE

5.20 Paragraph 163 of the NPPF advises that development should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development in areas at risk of flooding should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

5.21 The site lies in flood zone 1. Of note, there is a culvert running along part of the western boundary of the site which is maintained by the internal drainage board. Following discussions between the applicant and the internal drainage board, an initial objection has been removed to the proposed drainage. Appropriate conditions are proposed to cover foul and surface water drainage systems for the development to ensure they are developed as per a sustainable drainage system.

HIGHWAYS

5.22 Paragraph 108 of the NPPF states that when assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.23 Paragraph 109 goes onto say development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy T1 of the 2018 Draft Plan states that to provide safe, suitable and attractive access, development proposals will be required to demonstrate there is safe and appropriate access to the adjacent adopted highway. Development proposals should also create safe and secure layouts for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict.

5.24 As the proposal is for an extension to the existing industrial estate, the current access from York Road will be utilised. The access has already been widened to accommodate larger vehicles and is on a stretch of public highway that is relatively straight and has an existing speed limit of 30 mph. There is also an existing footpath on the northern side of York Road. The proposed development would generate an additional 25 traffic movements in the AM peak hour and 22 traffic movements in the PM peak hour according to the Transport Statement submitted with the application, but the proposal is not considered to result in a severe impact to highway safety that would warrant a reason for refusal of the application. Car parking is proposed outside of each unit and along the western side of the access road. Cycle parking could be provided within the individual units which would provide greater security and weather protection thereby encouraging uptake.

NEIGHBOUR AMENITY

5.25 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy D1 of the 2018 Draft Plan covers amenity. Policy GP1 of the 2005 DCLP seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures although very limited weight can be attached to this policy.

5.26 The proposed development would be the construction of 20 new units in use classes B1, B2 and B8 with ancillary development such as parking. Given the nature of these uses the Environmental Protection Officer requested a noise assessment and details of external lighting. The noise assessment was provided although given this is an outline application, details were not available of the final design, vehicle

movements and occupancy of the units. As such a condition is suggested for an update to the noise assessment should outline permission be granted and further details clarified. A land contamination report was submitted and given the historic uses of the site including as a military camp, factory and as office buildings conditions are proposed. Details of external lighting were required, however given the application is outline in nature and the layout not fixed at this stage it is considered a condition requiring details of lighting would be sufficient.

CASE FOR VERY SPECIAL CIRCUMSTANCES

5.27 Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. With regard to special circumstances for approving development on this site, the applicant has supplied the following information:

- a letter of support from a local estate agent pointing to a general shortage of employment units, including for the size of units proposed. Furthermore, the letter highlights the good location in terms of transport links and nearby commercial uses in Elvington (including the airfield business park) that would complement the proposed development. The applicant has also highlighted the support of the Council's Economic Growth team for the proposal.
- A letter of support from an existing tenant requesting that they expand an additional 4,000 square metres into the proposed units at the rear of the site.
- A supporting letter from the applicant setting out the Lindum 'Eco system' of support for small businesses, support for local education and training including at York College and confirmation of enquiries for businesses wish to locate from three businesses in the last twelve months

5.28 As per paragraph 80 of the Framework, significant weight should be applied to the economic benefits. The support of the Council's Economic Growth is noted, albeit this is general support for new business space within the boundary of the York and not site specific.

5.29 The current position of the Draft York Local Plan is also a material consideration. The application site is proposed to be sited outside of the Green Belt as per the main modifications to the Draft Local Plan proposals map that were subject to public consultation in 2019. Initial hearings have taken place in the Local Plan examination, which discussed the Green Belt methodology at a strategic level but not site specific Green Belt boundaries. The Council is currently awaiting the response of the Local Plan Inspectors on the initial hearings. This is further, albeit limited, weight in favour of the scheme.

5.30 Taken together the information put forward by the applicant is considered to amount to substantial economic benefits to the local economy with further benefits for residents via support training and education at York College. In this instance this

benefits are considered to amount to very special circumstance that outweigh the identified harm to the Green Belt.

6.0 CONCLUSION

6.1 The application for outline planning permission includes land that lies within the general extent of the York Green Belt. The proposal is for commercial use in Use Classes B1, B2 and B8 with the erection of 20 units and for landscaping details also to be determined. The proposed development complies with Policies R1 and EC5 of the 2018 Draft Plan and has the support of the Council's Economic Growth team in addressing a shortfall in commercial units within the local area. The proposal is also considered to comply with policies relating to landscaping, ecology, highways, drainage and amenity. The proposed development constitutes inappropriate development in the Green Belt and as such should only be approved in very special circumstances. The applicant has presented a case for very special circumstances, highlighting demand for space in the site from existing clients and noting the benefits to the local economy and local residents through education and training. The case for very special circumstances is accepted and in the planning balance this is sufficient to outweigh any identified harm as a result of the proposal. Approval is therefore recommended subject to the following planning conditions.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

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

Details to be submitted: appearance, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

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

3 PLANS1 Approved plans

4 VISQ8 Samples of exterior materials to be app

- 5 DRAIN1 Drainage details to be agreed
- 6 LAND1 IN New Landscape details
- 7 LC1 Land contamination - Site investigation
- 8 LC2 Land contamination - remediation scheme
- 9 LC3 Land contamination - remedial works
- 10 LC4 Land contamination - unexpected contam

11 Before the commencement of, and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

12 The buildings to be erected on this site shall be single storey in height. No external alterations to the buildings to incorporate an additional floor shall be carried out following the completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: To assist the development being integrated into the area.

13 No building hereby approved shall be occupied until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. The noise impact assessment shall include details of the proposed hours of operation and the proposed use class of the building.

Reason: To protect local amenity

- 14 HWAY18 Cycle parking details to be agreed

15 No development shall take place until details of a lighting strategy for the site have been submitted to and approved in writing by the local planning authority. The lighting strategy shall include details of:

- the location and type of all external visible lighting,
- the level of luminance and glare
- the hours of operation of all externally visible lighting
- details of glazing treatment to reduce light spill from internal sources

Reason: To protect local amenity and wildlife

16 No development shall take place until an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To remove the invasive, non-native Himalayan balsam that has been identified at the site.

17 The use of the site for offices in use class B1(a) shall be ancillary to the use of the site for Classes B1(b), B1(c), B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument invoking or re-enacting that Order).

Reason: To protect the vitality and viability of the city centre

18 The application for the approval of reserved matters shall include full details of the proposed crime prevention measures to be incorporated into the site.

Reason: To satisfy Paragraphs 91 and 127 of the NPPF and Policy D1 of the 2018 Publication Draft Local Plan.

19 Before the occupation of the development a scheme for Electric Vehicle Recharging Points shall be provided to be first agreed in writing by the Council. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

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

20 No development shall take place until details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the

Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Amended plans

Requesting information regarding very special circumstances

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. Informative: Great Crested Newts

Great Crested Newts have full protection under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. In view of the nearby records, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately and Natural England contacted for advice on the best way to proceed.

4. A strip of land 9 metres wide on either side of Elvington Village / Industrial Estate Dyke shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Ouse and Derwent Internal Drainage Board. The culverting of this watercourse must only take place after obtaining formal written consent from the Board.

Contact details:

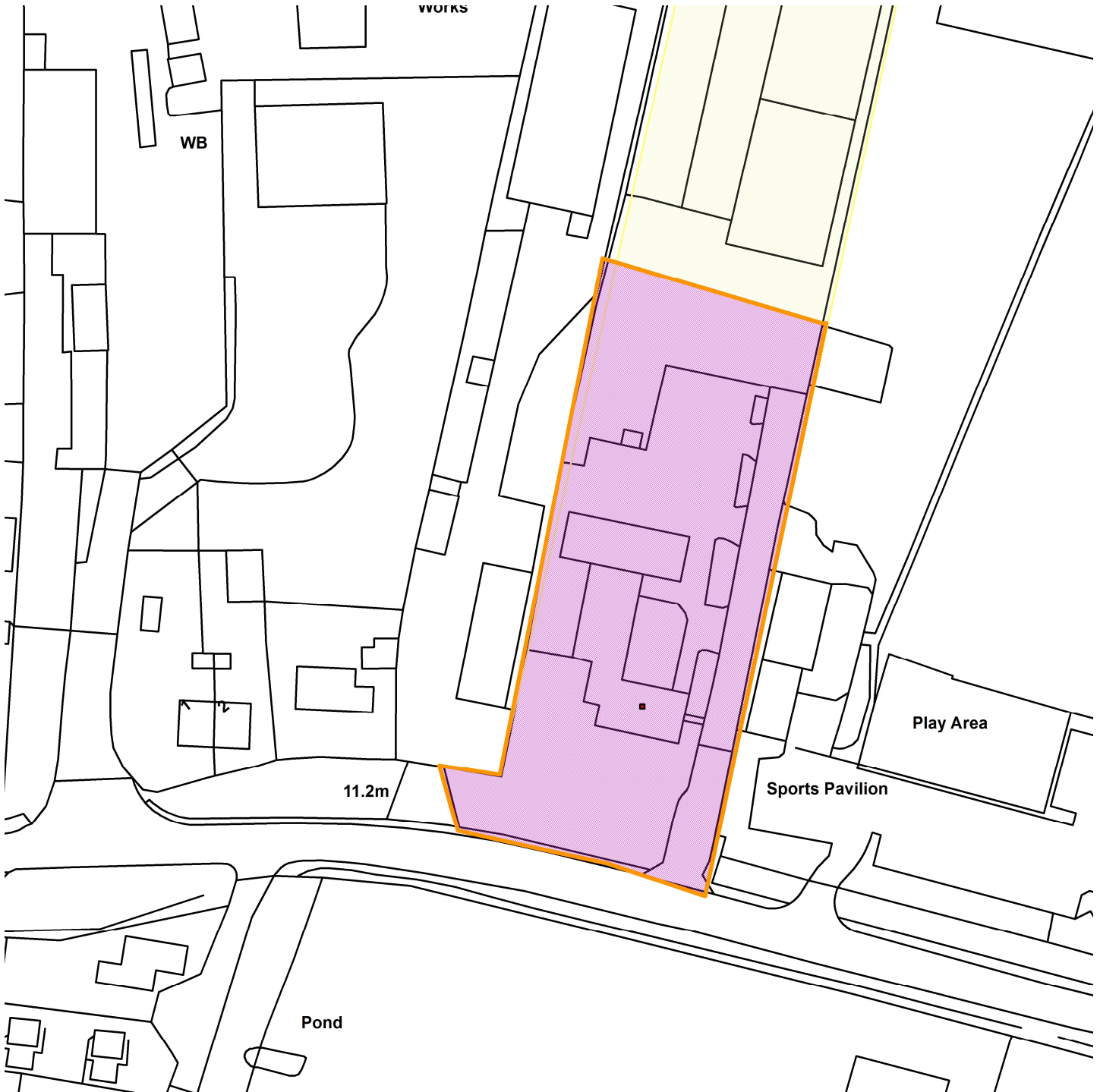
Case Officer: Tim Goodall

Tel No: 01904 551103

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Lindum Group Limited, York Road, Elvington.



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	03 February 2020
SLA Number	Not Set

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COMMITTEE REPORT

Date: 11 February 2020 **Ward:** Wheldrake
Team: East Area **Parish:** Elvington Parish Council
Reference: 19/02522/FUL
Application at: Elvington Water Treatment Works Kexby Lane Elvington York
For: Replacement plant building with 2no. external storage silos, access staircase and hardstanding area for the preparation of calcium hydroxide (part retrospective) (revised scheme)
By: Mrs Stephanie Walden
Application Type: Full Application
Target Date: 23 January 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is Elvington Water Treatment Works located north-east of Elvington village. It contains a mixture of functional buildings, hard standing, grassed areas and water storage. It is located next to the River Derwent for the purposes of river abstraction for raw water. The entrance to the site is accessed from Dauby Lane close to the entrance to the village primary school. The nearest house is around 360 metres from the fenced enclosure of the site. There is also landscaped buffer land outside the fence that is within the ownership of the applicant.

1.2 It is proposed to erect two 17.7 metre silos and an associated 9.6 metre high building related to the preparation of calcium hydroxide. They would be grey in colour. The chemical is used in the process of the treatment of drinking water. The building is proposed on grass scrubland at the south western part of the enclosed area. It is of a functional design. It would be located around 440m from the nearest home. There are existing 20m silos within the site that serve a similar role. These will become redundant if the new development takes place. They are not proposed to be removed in the foreseeable future. This is because they are adjoining buildings that contain plant and equipment for other chemical dosing processes. The removal of the silos would require the treatment works to be shut down for a considerable time. It cannot be shut for more than 4 hours given the importance of its role. The application should be judged on the basis that the existing silos will remain once redundant.

RELEVANT HISTORY

1.3 In November 2018 Planning Committee approved a similar scheme that was proposed to serve the same purpose and was located in the same position as the structures proposed in the current application. The 2018 permission has not been

implemented. The current scheme is an alternative design and it is not possible to implement both schemes together. The main difference between the two schemes is that the previous one housed the large silos in a large rectangular building. The current scheme has the silos open to the elements. They would be 2.5 metres lower in height than the height of the building approved in 2018.

1.4 There have been a number of other planning permissions over the past 20 years for plant and buildings related to the treatment of water on site.

1.5 In 2016 (15/02639/FULM) planning permission was granted for the Installation of a solar photovoltaic array with associated infrastructure including kiosks, security fencing, CCTV and internal access track on land within the ownership of Yorkshire Water but outside the fenced enclosure of the works. This has not been implemented and the permission expired in April 2019.

1.6 The application site lies within the Green Belt as contained within the Development Plan.

2.0 POLICY CONTEXT

Yorkshire and Humber Regional Spatial Strategy (RSS)

2.1 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy Y1(c) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF. It states that the LDF should define the detailed boundaries of the sections of the outer boundary of the York Green Belt about 6 miles from York city centre.

National Planning Policy Framework

2.2 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

2.3 The planning system should 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.

Publication Draft Local Plan 2018

2.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

2.5 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

2.6 Relevant Policies

DP1 York Sub Area
SS1 Delivering Sustainable Growth for York
EC5 Rural Economy
D1 Placemaking
D2 landscape and Setting
GI1 Green Infrastructure
GI2 Biodiversity and Access to Nature
GI4 Trees and Hedgerows
GB1 Development in the Green Belt
ENV2 Managing Environmental Quality
ENV5 Sustainable Drainage
Policy SS2 The Role of York's Green Belt.

2005 Development Control Local Plan

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

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Have considered the application in terms of environmental impacts such as noise and dust and raise no objections and recommend no conditions to permission.

Flood Risk Manager

3.2 No objections subject to surface water run-off details being considered.

Design, Conservation and Sustainable Development (Ecology and Countryside Officer)

3.3 No objections.

Design, Conservation and Sustainable Development (Ecology and Countryside Officer)

3.4 No objections.

EXTERNAL

Parish Council

3.5 No objections

Civil Aviation Authority

3.6 No comments received.

Natural England

3.7 No objections.

Internal Drainage Board

3.8 Object due to insufficient information being supplied to assess the impact of surface water run-off on local watercourses.

4.0 REPRESENTATIONS

No comments received.

5.1 APPRAISAL

5.1 Main Issues

Principle of Development

Impact on the openness of the Green Belt

Impact on the purpose of the Green Belt

Impact on the character of the area

Highway Impacts

Biodiversity

Drainage

Neighbour Amenity

Case for very special circumstances

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

5.3 The Council does not have an adopted local plan that covers the whole local authority. The statutory development plan for the area of the application site comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

PRINCIPLE OF DEVELOPMENT

5.4 The application site is considered to lie within the general extent of the York Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. Buildings associated with the treatment of water do not fall within the list of exceptions set out in paragraphs 145-146 of the NPPF. Paragraph 145(g) states that limited infilling of developed sites is not inappropriate, however, this is subject to it not having a greater impact on openness than the existing development. The scale of the proposed development is such that it would have a greater impact on openness. Very special circumstances will be required to justify instances where this presumption against development should not apply.

IMPACT ON THE OPENNESS OF THE GREENBELT

5.5 Paragraph 133 of the NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has been found by the Courts to have both a visual and spatial sense.

5.6 The proposed silos would be 17.7 metres high. It is considered their height is such that they are inappropriate development and by definition harmful to the Green Belt and should not be approved except in very special circumstances.

IMPACT ON THE PURPOSE OF THE GREEN BELT

5.7 Paragraph 134 sets out the five purposes of Green Belt and they are:

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

5.8 The proposed development is not considered to conflict with any of the purposes of the Green Belt set out above. The development would be within the constraints of the water treatment complex and would not physically encroach on the countryside.

IMPACT ON THE CHARACTER OF THE AREA

5.9 Paragraph 127 of the NPPF considers design and seeks to ensure that developments will, amongst other things, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

5.10 It is not considered that the footprint of the proposed building and silos is unduly significant taking account of the developed nature of the works as a whole. The key issue is the silos' height and their impact on the open character of the landscape.

5.11 The applicant has submitted a visual impact assessment for the new structures. This looks at the landscape and visual effects of the proposed building. The consultant acting on behalf of the applicant has considered the visual impact on nearby homes as well as users of roads and footpaths. They conclude that the development will result in adverse effects on landscape character and visual amenity, but most effects will be minor. This is with the exception of the impact of the views from homes close to the site in Elvington and walkers on public rights of way along the River Derwent – they consider the impacts on these will be moderately adverse. They conclude that planting and new bunding associated with earthworks can be used to help limit these negative impacts.

5.12 It is considered that the visual impact assessment is a fair appraisal of the likely harm. It is considered impacts will generally be modest and that the building will be seen in the context of a developed site containing other silos of a similar height. Views of the site are generally from some distance and existing planting screens or softens the impacts. It is noted that Sutton Wood screens views from much of Newton upon Derwent. It is considered that the form of the current scheme is visually preferable to that approved in 2018. This is because the previous proposal to enclose the silos in a box like building created a more bulky structure that would appear more alien in a rural landscape. The silos are not of a height or location to effect the setting or special character of York.

5.13 The Elvington Conservation Area is around 500m away at its closest point from the proposed structures. The proposal would not have a significant impact on the setting of the Conservation Area, including public views from the Area.

5.14 Accompanying the application is a tree planting plan for part of the undeveloped land to the south west of the proposed structures. This would in time create a 180 metre long and 30-40 metre wide belt of deciduous trees including oak

and maple. This will help to screen and soften views of the site from Elvington village.

HIGHWAY IMPACTS

5.15 The building would not be staffed and would not generate any increase in powder delivery to the site. It is not considered that the scale of development is such to require controls on traffic movement related to construction activity.

BIODIVERSITY

5.16 Paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. Policy GI2 of the 2018 Draft Plan seeks to conserve and enhance York's biodiversity. Where appropriate, development should take account of the potential need for buffer zones around wildlife and biodiversity sites, to ensure the integrity of the site's interest is retained. The development should result in net gain to and help to improve biodiversity.

5.17 A preliminary ecological appraisal has been submitted with the application. This was undertaken in respect to the water works site as a whole rather than just the site of the proposed plant, though does also focus on the particular location. The land where the plant is proposed has been surveyed and is referred to as amenity grassland. The more sensitive ecological areas are generally outside the fenced enclosure of the treatment works within closer proximity to the river Derwent. The River Derwent is a Special Area for Conservation and Site of Special Scientific Interest. The Lower Derwent Valley is a Special Area of Conservation. Natural England has been consulted on the application and raise no objections. The applicant's appraisal does not indicate any harm would be caused to wildlife. The belt of tree planting proposed to help screen the development will provide an improved habitat for wildlife.

DRAINAGE

5.18 The building is far enough away from the river to be classified as being in a low risk flood area. A condition has been recommended relating to the sustainable management of surface water run-off from the structure to avoid increasing flood risk elsewhere.

NEIGHBOUR AMENITY

5.19 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy D1 of the 2018 Draft Plan covers amenity. Policy GP1 of the 2005 DCLP seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures although very limited weight can be attached to this policy.

5.20 The proposal will not materially impact on neighbours' living conditions. The development although relatively tall is 400m from the nearest residential property.

CASE FOR VERY SPECIAL CIRCUMSTANCES

5.21 Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.22 In assessing whether very special circumstances exist, regard should be given to the planning consent for a slightly larger structure on the same location within the site. This permission expires on 16 November 2021.

5.23 The treatment works is one of the biggest in the UK and the biggest in Yorkshire. It meets around 30% of the demand for water in the area supplied by Yorkshire Water Services at any one time. The applicant states that it is essential that the improvements are made to the works to ensure a sustainable, resilient water supply, essential for public health and to assist in facilitating growth within the York area and in the work's wider supply area. They state that the treatment works are critical during periods of prolonged dry weather due to it being a river abstraction works which is an advantage over reservoir fed treatment.

5.24 It is considered that the importance of the proposed silos and associated structure to maintaining and improving the water supply for York and a large area of Yorkshire is such that the benefits are considered to amount to very special circumstances. It is considered that these outweigh the identified harm to the Green Belt.

6.0 CONCLUSION

6.1 The use and scale of the proposed silos is such that they are inappropriate development in the Green Belt. They would have a moderately harmful impact on the visual character and amenity of the landscape. Green Belt policy states that the application should be refused unless any harm resulting from the proposal is clearly outweighed by other considerations.

6.2 In assessing whether very special circumstances exist, regard should be given to the existing unimplemented consent for plant buildings for the same purpose. Very special circumstances were considered to exist to justify the 2018 consent. The existing scheme would be on the same location in the site and both cannot be implemented together. The current scheme would have a slightly lesser impact on openness.

6.3 The treatment works is located wholly in the Green Belt. The proposed essential structures cannot be located outside the Green Belt. It is considered that

the pressing need for the structures to sustain and improve the fresh water supply for a large area of Yorkshire would outweigh the modest harm to the Green Belt.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Block and location plan R1519_VS88-04-MMb-ZZ-DR-Z-1100 Revision C2 dated 21 October 2019.

Proposed elevations R1519_VS88-04-BL-DR-C- 2001 Revision C3 dated 7 November 2019.

Proposed elevation R1519_VS88-04-BL-DR-C- 2003 Revision C1 dated 9 August 2019.

Preliminary Ecological Appraisal dated 15 June 2018.

Proposed Landscape Mitigation Screening Plan 381732-MMD-L-DR-0001 P01 dated 4 September 2019.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 There shall be no piped surface water from the development until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

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

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

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

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the

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

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

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

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

5 Development shall be undertaken in accordance with the recommendations contained in chapter 4.2 of the Preliminary Ecological Appraisal dated 15 June 2018.

Reason: To minimise harm to wildlife.

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

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

**8.0 INFORMATIVES:
Notes to Applicant**

1. Statement of the Council's Positive and Proactive Approach

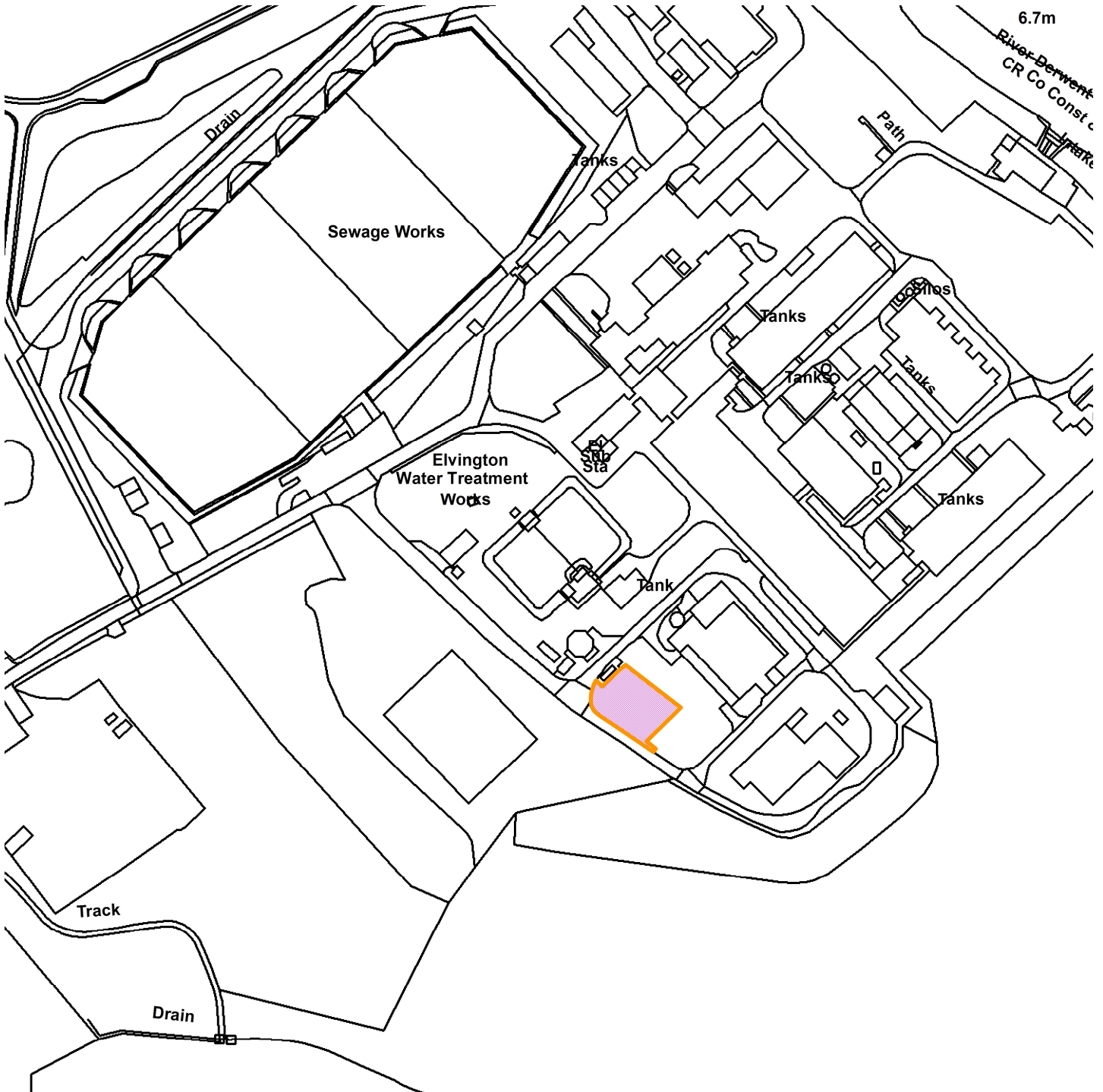
In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and taken account of all relevant local policies, and considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to identify solutions to problems arising from the proposed development.

Contact details:

Case Officer: Neil Massey
Tel No: 01904 551352

19/02522/FUL

Elvington Water Treatment Works, Kexby Lane, Elvington



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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	03 February 2020
SLA Number	

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