



## Notice of a public meeting of Planning Committee

- To:** Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Warters
- Date:** Thursday, 18 January 2018
- Time:** 4.30 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 West Offices at **10:00am** on **Tuesday 16 January 2018**.

#### 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 - 24)

To approve and sign the minutes of the last meeting of the Planning Committee held on 13 December 2017.

#### 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 Wednesday 17 January 2017. 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](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) **Germany Beck Site, East Of Fordlands Road [17/00904/FUL]** (Pages 25 - 40)  
Creation of wetland habitat suitable for water voles (retrospective) [Fulford And Heslington]
- b) **James House, James Street [17/02657/GRG3]** (Pages 41 - 66)  
Conversion of former office building into 57 apartments for temporary accommodation by homeless households, associated office/support facilities and external plant room and external works [Guildhall] [Site Visit]
- c) **Whinney Hills, Appleton Road, Acaster Malbis [17/00342/FUL]** (Pages 67 - 80)  
Creation of new access, excavation of pond and siting of 2no. static caravans (part retrospective) [Bishopthorpe] [Site Visit]

- d) **Land To South East Of Ryedale Caravan Site, Green Lane, Clifton [17/02420/FULM]** (Pages 81 - 98)  
Erection of three storey 66 bed care home (use class C2) [Rawcliffe And Clifton Without] [Site Visit]

**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 Democracy 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)

 **(01904) 551550**

This page is intentionally left blank

**PLANNING COMMITTEE****SITE VISITS****Tuesday 16 January 2018**

**The mini-bus for Members of the Committee will leave from West  
Offices at 10.00**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:15	Land To South East Of Ryedale Caravan Site, Green Lane, Clifton	4d
10.50	James House, James Street	4b
11.25	Whinney Hills, Appleton Road, Acaster Malbis	4c

This page is intentionally left blank

## **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



City of York Council

Committee Minutes

---

Meeting	Planning Committee
Date	13 December 2017
Present	Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Crawshaw (Substitute)
Apologies	Councillors Warters and Pavlovic

---

## 9. Site Visits

Application	Reason	In attendance
Former Biorad Micromasurements Ltd Site, Haxby Road	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson
Willow Lodge, Sutton Road, Wiggington	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson
Land South Of Keepers Cottage Intake Lane,	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson
46 - 50 Piccadilly	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson
Hungate Development Site	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson

**10. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Crawshaw declared a personal non prejudicial interest in item 4g as his partner works as a Psychologist in Adolescent Mental Health. Cllr Reid declared a pecuniary interest in item 4b as her son lives in Shelley House, adjacent to the Carlton Tavern site. Cllr Richardson declared a personal non prejudicial interest in item 4g as his niece works in Adult Social Care. Cllr Ayre declared a personal non prejudicial interest in item 4g as he works for Healthwatch York. He noted that Cllr Derbyshire would Chair the meeting for item 4g as he would withdraw from the meeting for that item.

**11. Minutes**

Resolved: That the minutes of the last meeting held on 16 November 2017 be approved and then signed by the chair as a correct record.

**12. 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.

**13. 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.

**14. Land To The South Of Keepers Cottage Intake Lane, Dunnington, York [17/00893/FUL]**

Members considered a full application from Mr Andrew Cole for the erection of entrance gates, one agricultural store, one field shelter, and shooting platform (retrospective) on the Land to the South Of Keepers Cottage, Intake Lane, Dunnington.

Officers advised Members that since publication of the committee report, the applicant had submitted a letter in support of their application, raising a number of points as follows:

- The site was acquired for the development of an orchard and coppices for timber production with an area set aside or saddleback pigs, together with beehives. This land and other land held within the parish of Dunnington exceeds 5 hectares.
- The field shelter and the storage shed are considered to be acceptable in the report
- The gates fall within permitted development as they do not exceed 2 metres in height and they are 4 metres from the track. Officers noted that the applicant is applying for the gates that are in situ. Officers measured the gates and they were approx 2.35 metres in height and the supporting posts are a similar height. The gates are set approx 2 metres from the cycle track/Public Right of Way. As such the gates do not fall within permitted development rights and do require planning permission.
- The height of the shooting tower is required for safety. The rifles are moderated/silenced therefore do not cause disturbance to the public. The applicant states that the number of deer killed in 2017 is 6.
- The site is fenced and hedged and on three sides the hedge (heights vary between 2 and 5 metres) restricts access by deer. The boundary within Hagg Wood is fully fenced to a height of 1.5 metres. The boundary to Keepers Cottages is hedged to 1.5 metres in height.
- The applicant does not wish to increase the height of the boundary and this would impact on the residents of Keepers Cottage.
- The site is not deer proofed, and he does not consider that a site can be fully proofed. He goes onto state that an 'over proofed site' would lead to damage to crops from any animals that did access the site then being unable to exit
- The current position of the shooting platform allows maximum safe field of fire of the greatest extent of the site, the tower is located at the bottom of a slope and the applicant considers that it appears lower in height. The

platform has been positioned behind the storage shed to reduce its appearance and the materials used are considered to be sympathetic. Willow trees have been planted to obscure the platform from view.

- The applicant considers that the building falls within permitted development rights. Officers advised that the shooting platform is not considered to fall within confines of permitted development.
- The shooting platform is necessary for farming purposes. Officers advised that the shooting tower is not reasonably required for agricultural purposes, the fruit trees do not have protective fencing and there are number of fencing options that would prevent damage to trees from deer.

In response to a Member query it was clarified that the 5 metres referred to by the applicant included the land adjacent to the site that had been purchased by the applicant.

Cllr Warters, Ward Councillor for Osbaldwick and Derwent, spoke in support of the application. He stated that the field gate and regulated shooting were necessary. He added that without the platform, shooting on land would damage the trees.

Following discussion, it was:

Resolved: That the application be refused.

Reasons:

- i. The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the proposed development constitutes inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness

of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (visual amenity and character, and potentially residential amenity) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and Policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

- ii. It is considered that the proposal would increase the dominance and presence of the built form on the land. This would have a negative impact on the visual amenity of the area as the site is readily visible from the public right of way and the cycle path. As such, the proposal would fail to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and Policy GP1 of the City of York Draft Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.
- iii. Insufficient information has been submitted with the application to properly assess whether the use of the shooting platform would be acceptable in terms of residential amenity. In the absence of further information, the Local Planning Authority has been unable to properly assess whether the proposal would be in compliance with Policies GP1 of the City of York Development Control Local Plan (2005), and national planning policy set out in the National Planning Policy

Framework. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

**15. Carlton Tavern, 140 Acomb Road, York [17/00476/FULM]**

[Note: Councillor Reid withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a major full application by Crown Care for the construction of a three-four storey 74 bedroom care home with associated parking, cycle racks and landscaping following the demolition of the existing Carlton Lodge Public House.

A legal update was provided and it was explained that the application had been brought back to the committee as there had been a threat of a judicial challenge prior to the decision being issued. Therefore the report presented to Members included updates with references to sections 131, 135 and 136 of the NPPF.

Officers provided an update to Members. Members were advised of a number of typographical updates and were given clarification on the shortfall in care beds. Officers further clarified that:

- Whilst the York Open Planning Forum Local List is not adopted it can still be a material consideration, as demonstrated in paragraph 5.22 of the Committee report. As detailed in the report the building merits consideration as a non designated heritage asset.
- Reference to other potential sites for the location of the care home, such as Oakhaven was not considered to be a material planning consideration.
- A potential condition requiring the letting of contracts prior to the demolition of the building should be written as a negative 'grampian' style condition to ensure enforceability. Alternatively the control could be secured by a section 106 agreement.
- The application has been assessed on its merits and it is not necessary to carry out an assessment of alternative sites.
- In relation to reference to the Habitats Regulations, all reference should refer to the 2017 Habitat Regulations which came into force on 30th November 2017. Officers have had

regard to the Natural England advice about consultation with them. This directs the LPA to the Natural England Standing Advice (this covers the protected species involved and therefore no further level of consultation with them has been undertaken), and to the LPA Ecologist.

- A further representation had been received which expressed concerns regarding the adequacy of the facilities in the cinema, dining/lounge areas for 74 people.
- Members had also received a letter from the Victorian Society advising that more weight to the Carlton Tavern being a non-designated Heritage Asset and a viable public house as an Asset of Community Value.
- A letter had also been received from the owners of the Carlton Tavern, Marstons Brewery in which they confirmed that a bid was made but not accepted and they have a binding legal agreement with Crown Care which will be in place whilst a planning decision is reached.

Louise Ennis, a local resident, addressed the Committee in objection to the application and referred to the NPFF in stating that the Carlton Tavern's value as a community asset outweighed the benefit of a care home.

Mike Heyworth (Council for British Archaeology) spoke on behalf of Victorian Society in objection to the application. He stated that the Victorian Society strongly objected to the demolition of the Carlton Tavern on the grounds of it being a non designated heritage asset and he cited sections 131 and 135 in support of this. In response to a question regarding the evidence of the viability of the Carlton Tavern, Mike Heyworth explained that there was an alternative bidder and the Campaign for Real Ale (CAMRA) considered it to be a viable public house.

Dr Duncan Marks, representing York Civic Trust, spoke in objection to the application. He stated that York Civic trust maintain their strong objection to the proposed demolition of the Carlton Tavern. He noted the loss to the community of the last of the Edwardian villas on Holgate Road and the legal importance of it as a heritage asset.

Nick Love, Pub Protection Officer of York CAMRA spoke in objection to the application. He noted the huge upsurge in community interest in the Carlton Tavern and the importance of it as a community hub. He further noted the impact of the loss of

the pub to the local economy.

Mr Lindsay Cowle, retired Conservation Architect spoke in objection to the application as a local resident and as an architect. He stated that the proposed care home development failed to meet required standards and the sheer mass would make it one of the largest buildings in Acomb.

Cllr Warters, Ward Councillor for Osbaldwick and Derwent, spoke in objection to the application. With reference to the NPFF, he noted the importance of the building as a non designated heritage asset and added that the care home could be built in a different location.

Roy Wallington, CYC Programme Director for Older Persons' Accommodation then addressed the committee. He noted the need for care bed places and the potential to create a care community in the area in conjunction with the plans to develop the Oakhaven site next door which was moving forward. He noted the need for dementia care homes and added that should the care home not be given approval, there would be considerable strain on social care and health services.

In response to Member questions, Roy Wallington clarified:

- The reasons for the closure of Willow House care home
- Why beds at the Chocolate Works care home opened in stages
- The different pricing structures for elderly persons' care which ranged from £600-£700 per week to £800-£1000 per week.
- There was a broad spectrum of care home providers in York.
- The proposed care home could be built on a different site.
- Planning approval of five or more care homes needed to be given in order to meet the shortfall in care home places.
- If the care home was not given planning approval this would increase the shortfall of care beds by 10%.

Michael Ladhar, of Crown Care, the applicant, spoke in support of the application. He stated that York had a shortfall of 678 residential and nursing beds and the care home would be an inclusive development. He noted that Crown Care was committed to the communities it worked in.

Mark Massey, the applicant's agent, spoke in support of the application. He advised that options for using the existing



building had been explored and it could be demonstrated that from a functionality point of view the conversion of the building was not viable. The care home would create 30fte jobs and Crown Care actively encouraged community involvement and participation.

In response to Members' questions, Mr Massey made the following points:

- As an architect he understood of maintaining a building of historical value, however, a balance needed to be made.
- If the application was approved, a condition would be put in place to guarantee community use of the buildings. This was made under condition 12 in the report. Examples of the community use of other Crown Care homes were given.
- Other sites had been looked at, including the adjacent site although the bid for this was too late.

Members went on to have a comprehensive debate about the application. In response to Member questions, Officers advised that:

- The lift size was in line with the CQC requirements for care homes.
- Marstons could not demolish the building without planning consent.
- Sections 131 and 135 of the NPPF are relevant to the application and if Members considered the balance of issues weighed against approval these could be grounds for refusal of the application.

Following discussion it was:

Resolved: That the application be refused.

Reason: When assessed against the policies in the Framework when taken as a whole, the benefits which the care home would provide are not sufficient to significantly and demonstrably outweigh the harm caused by the loss of a non-designated heritage asset, an Asset of Community Value and the potential harm to the root zone of protected trees. As such the development is contrary to paragraphs 70, 131 and 135 of the National Planning Policy Framework.

**16. Hungate Development Site, Hungate, York [17/02019/OUTM]**

Members considered a major full application by Hungate (York) Regeneration Limited for variation of condition 3 (approved plans), 5 (maximum building height) and 6 (parameter plans) of permitted application 17/01847/OUTM to allow increase in height of Block G, minor revisions to the proposed building footprint and associated changes to landscaping and public realm, provision of vehicular service access to Block G from Garden Place and increase in cycle parking, revisions to maximum foundation levels and allowance for location of below ground attenuation tank and lift pits, revisions to finished floor levels for the residential and commercial elements of the scheme and minor amendments to the site wide surface water drainage strategy and removal of condition 40 (air quality monitoring).

Members were provided with an Officer update which reported that there had been no objection from the council archaeologist. There had also been an objection from the owner of 4 Peasholme Court expressing concern that an increase in the height of Block G would set a precedent for the height of the remaining blocks. Should this occur, an increase in the height of Block H would restrict the light into their property.

Dr Duncan Marks, representing York Civic Trust, spoke in objection to the application. York Civic Trust objected on the grounds of the increase in the height of block G and the overdevelopment of the site. Officers clarified that the total height of the building would not reach 35.7 metres.

Anna Turton, on behalf of Lichfields, the agent for applicant, spoke in support of the application. She stated that the variation for Block G had been brought forward on a build to rent scheme and she explained that the variations would provide community facilities such as a gym at the site.

Following Member questions to Officers, it was noted that:

- The previous conditions would be carried forward as part of the application.
- In regard to air quality, the proposed scheme changes, including that of the maximum height of Block G would result in no change to the residual effects and/or overall conclusions reached in the original Environmental Statement.

- The highest element of the building to the Carmelite Street frontage would be no higher than the St John University accommodation block, with the exception of the corner element.
- The design architects considered the revised plan to be an improvement on Layerthorpe.

Resolved: That the application be approved subject to Section 106 Agreement as detailed in the report.

Reason:

- i. To secure the obligations as from the existing outline permission.
- ii. The Section 73 application has been submitted in order to vary Condition 3 (plans), Condition 5 (maximum height) and Condition 6 (parameter plans) and to the removal of Condition 40 (air quality monitoring) of hybrid planning permission 17/01847/OUTM.
- iii. The application involves no changes to the total number of dwellings or the amount of commercial floorspace approved in the outline consent but seeks permission for a number of revisions to the established parameters, with the key revision being an increase in the height of block G.
- iv. It is not considered that the changes to the proposed plans will impact on either the sustainable aims of the development proposals, nor is it considered that the changes will have an adverse impact on the existing amenities of neighbouring occupiers. The key consideration therefore is the implications of the increase in the height of block G in terms of its scale and massing and any impact on the setting of heritage assets.
- v. As with the consented scheme, whilst officers consider the massing to the Stonebow elevation to cause some minor harm to the setting of the Conservation Area, the affected context is Stonebow itself rather than longer views to and from designated heritage assets. In medium distances, the impact of this change on the historic environment is most evident in the view from Stonebow House. The change in impact from the consented scheme is at worst considered to be low to negative to neutral however given the consideration that it is likely to

produce a more attractive building design, the impact could be argued to be low to positive. Whilst the harm is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance. The outcome of the assessment is that the benefits to the scheme including the provision of much needed dwellings in the City, outweigh the less than substantial harm identified.

- vi. In accordance with EIA regulations and procedure, the Environmental Statement (July 2015) submitted with the hybrid application has been reviewed and assessments undertaken to identify whether the proposed changes to the scheme parameters would result in any new or amended environmental effects. The ES Addendum (August 2017) identifies that the proposed scheme changes, including that of the maximum height of Block G, would result in no change to the residual effects and/or overall conclusions reached in the original ES. The development would fulfil the roles of sustainable development outlined in the NPPF and would otherwise accord with national and local planning policy.

**17. Broad Oak Farm, Dauby Lane, Elvington Road, York  
[17/02305/FULM]**

Members considered a major full application from Mr David Fox for the erection of four poultry buildings and associated buildings, and infrastructure including new access.

Officers provided an update noting the change to condition 2 – plans IP/PBF/03 for the boiler and store and the comments received from Elvington Parish Council in which they suggest a 7.5 tonne weight limit be placed on Main Street, Elvington.

Sam Harrison, agent for applicant, spoke in support of the application. He advised that the application had received no objections, and was a development on an existing farm as per NPPF guidelines.

Officers provided clarification on a number of queries raised by Members:

- Exit from the site via the A1079.
- The nature of intensive poultry farming itself would not be a material planning consideration.
- The lighting scheme in the building was covered by a proposed condition.

Resolved: That the application be approved subject to the conditions listed in the report and the change to condition 2 – plans IP/PBF/03 for the boiler and store.

Reason:

- i. The site comprises an area of presently arable land lying within the general extent of the Green Belt to the South East of Dunnington and North of Elvington. Planning permission is sought for the development of an intensive poultry farm on the site to handle an operational stocking capacity of 240,000 chickens employing 2 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. The application site is presently undeveloped and the proposal would result in the construction of a substantial built complex comprising of 4 chicken sheds, feed bins, boiler and gate houses.
- ii. The proposal falls within the unqualified exception to Green Belt policies at paragraph 89 of the NPPF. The case R (Lee Valley Park) v Epping Forest DC (2016) confirms that in these circumstances such development is considered appropriate development in the Green Belt, and therefore the more restrictive Green Belt policies do not apply. The presumption in favour of sustainable development set out in paragraph 14 to the NPPF applies notwithstanding the Green Belt location.
- iii. The proposals have been identified to sit comfortably within the rural landscape. Appropriate mitigation in the form of a landscape strip between Dauby Lane and the site will, over time, mitigate for

any impact on the character of the landscape. Appropriate conditions have been suggested to control matters not covered by the Environment Agency permit.

- iv. The proposal is considered not to result in any significant harm to visual or residential amenity and transport impacts would be acceptable.

**17a 46 - 50 Piccadilly, York [17/00429/FULM]**

Members considered a major full application from Northminster Limited for the erection of part 5/part 6 storey hotel (140 bedrooms) with a ground floor restaurant and 5 storey building comprising 8 apartments (class C3).

Members were advised by Officers that following receipt of the revised evacuation plan, Emergency Planning had no objections regarding the application.

Dr Duncan Marks, representing York Civic Trust, spoke in objection to the application. York Civic Trust raised concerns regarding the choice of materials for the building, access to the riverside path and that the application had been brought to the committee 9 days prior to the closure of the Castle Gateway consultation.

Following Member questions Dr Duncan Marks stated that York Civic Trust would like the building to be set back. Officers clarified that setting back the building would not affect the flood risk.

Katherine Jukes, Directions Planning Consultancy, agent for applicant, spoke in support of the application. She stated that the applicant had a proven track record of the delivery of buildings in York and that a positive contribution would be made to the York economy by a quality hotel chain.

In response to questions from Members, Katherine Jukes stated that a riverside walkway on the site was not possible as it would not lead anyway and would create dead space and that detail on the materials to be used were included in the conditions.

Ravi Majiphia, on behalf of the applicant spoke in support of the application. He noted that the 140 bedroom hotel would complement the applicant's existing Hampton hotel in Toft Green which ran at high occupancy. The hotel would provide economic benefits via job creation and visitor expenditure in the city.

Members raised a number of questions to which Ravi Majiphia responded that:

- The hotel would be constructed for the applicant's own operation.
- The applicant would consider taking advice on the insulation used in the building.
- The hotel would be run as part of a business of six hotels.

During debate, Members expressed a number of views. Following discussion it was:

Resolved: That the application be approved subject to the conditions listed in the report.

Reason:

- i. The application site is within an area proposed for redevelopment and regeneration outlined in the 2005 and emerging draft Local Plans. The site is in a sustainable location. The site is within Flood Zone 3 but would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential and exception tests (as set out above) and is acceptable when considered against national planning policy on flood risk, the sequential and exceptions tests are passed.
- ii. There would be no harm to the significance of heritage assets or their setting.
- iii. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology at or adjacent to the site.

**17b Willow Lodge, Sutton Road, Wiggington, York  
[17/01876/FUL]**

Members considered a full application from Mr Nigel Jagger for the erection of a shed for the sorting of waste, and storage of plant and machinery following the removal of existing polytunnels at Willow Lodge, Sutton Road, Wiggington.

An Officer update was given which reported that the applicant:

- Did not agree with the officer's assessment that the waste transfer use of the site is unauthorised.
- Did not consider there was a change in the character of the use of the land and therefore concluded there is no material change and the current use is lawful.
- Agreed that the development would be an inappropriate development in the Greenbelt but argued the creation of 7 jobs and the economic benefit to the economy, outweighed the harm, and the building granted consent in 2014 justified this basis.

Claire Jagger, on behalf of the applicant, spoke in support of the application. She noted that the proposed storage shed is the same size as the previously approved building and would reduce the opportunity for fly tipping. She noted the contribution the new jobs would bring to the local economy, and that hedges could be planted around the site.

In response to questions from Members, Claire Jagger explained that the polytunnels had been removed 5 months previously as they were unsafe and that waste had previously been stored in them.

Officers were asked and clarified that the previous planning application had been for a shed.

Resolved: That the application be refused.

Reason:

- i. The application site is within the general extent of the Green Belt as set out by Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the erection of a shed constitutes inappropriate development which, according to



Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

- ii. It is considered that the proposal would increase the dominance and presence of the built form on the land. This would have a negative impact on the visual amenity of the area as the site is readily visible. As such, the proposal would fail to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and Policy GP1 of the City of York Draft Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.

[Note: Councillors Ayre and Richardson withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon. Councillor Derbyshire, Vice Chair of the Committee, chaired the meeting for this item]

Members considered a major full application from Tees, Esk and Wear Valleys NHS Foundation Trust for the erection of a new mental health inpatient unit at the site of the former Biorad Micromasurements Ltd, Haxby Road.

Officers gave an update to the report noting the following points:

- On the site visit Members raised concerns in relation to Haxby Road, in particular its speed and potential measures to ease pedestrian access to the nearby bus stops. The suggested measures (by Members) included a reduction in speed limit, a pedestrian island and a bus lay-by on the grass verge.
- As seen on the visit, the section of Haxby Road is fairly rural in nature with an absence of frontage/street activity that would influence driver behaviour. Any speed limit reduction would have to be self enforcing and there is likely to be a high level of non-compliance. Based upon previous experience of comparable situations officers would not expect North Yorkshire Police to support a change in the speed limit.
- The measures suggested to improve pedestrian links to the bus stops, would involve localised highway works that would result in significant costs; the development is substantially based around travel by car and the expectations for travel on foot and by bus are very limited. Due to the limited width of highway and proximity of adjacent boundaries, any highway works would have an impact on verges, hedgerows and trees; utility diversions and protection are likely additional requirements. The works may also require third part land, which cannot be secured through the granting of planning consent. On balance it is not considered that such improvements are reasonably related to the development demands and the deliverability (of such works) would be in question.
- Other forms of pedestrian crossings have been considered by Highways Management Team; however these have been discounted (a controlled crossing such as a zebra or pelican could not be justified based upon DfT standards).

- The provision of a bus lay by would raise the same issues highlighted above and the benefits of such are uncertain. However this should also be balanced with the aims of achieving natural surveillance and landscaping opportunities along the Haxby Road frontage.

Members discussed the application, expressing concern regarding the safety of individuals travelling to and from the site. The applicant, present at the meeting, noted that there was a degree of public transport to the site and they stated that they would be happy to work with the Council to look at transport options.

Following discussion, it was:

Resolved: That the application be approved subject to the conditions listed in the report. Further discussion between the applicant and the Highway Network Management Team regarding transport options should also take place as offered by the applicant.

Reason:

- i. The former Bio-rad/Vickers site has been vacant for nearly 10 years; it offers good transport links including public transport modes and is located sufficiently away from main residential conurbations where any impacts from the proposed development will be limited. However, it is located within the River Foss Regional Green Corridor, and whilst there will be some impact upon local wildlife; there are opportunities to ensure the development enhances the local habitats.
- ii. The provision of a mental health facility does meet an identified need following the closure of Bootham Park Hospital. Even without a specific allocation in the emerging plan, when assessed against the site selection methodology evidence base which underpins the selection of preferred site allocations under draft policy SS1 the use of the site for health facilities, given its location, size, and the proximity to neighbouring uses, the site is considered to be a sustainable location for a mental health facility.

**18. Appeals Performance and Decision Summaries**

Members received a report highlighting the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2017 and providing a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing was also included.

Resolved: That Members note the content of this report.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr N Ayre, Chair

[The meeting started at 4.40 pm and finished at 8.30 pm].

**COMMITTEE REPORT**

**Date:** 18 January 2018      **Ward:** Fulford And Heslington  
**Team:** Major and      **Parish:** Fulford Parish Council  
Commercial Team

**Reference:** 17/00904/FUL  
**Application at:** Germany Beck Site East Of Fordlands Road York  
**For:** Creation of wetland habitat suitable for water voles  
(retrospective)  
**By:** Persimmon Homes (York) Ltd  
**Application Type:** Full Application  
**Target Date:** 13 June 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application seeks full retrospective separate planning permission for the engineering operations involved in the creation of a wetland habitat suitable for water voles. It is not a section 73 variation to the outline planning permission. The creation of the habitat was required following the discovery of water voles in Germany Beck in 2015 and confirmed following a survey in 2016, which would be potentially displaced by the proposed works to the beck as a result of the Germany Beck housing scheme. The form and design of the wetland habitat and the timing of its creation was agreed under a conservation licence by Natural England.

1.2 The wetland habitat is located within an area of land to the south of Germany Beck, to the east of the cemetery on Fordlands Road. The area is designated a Site of Importance to Nature Conservation (SINC). The habitat consists of an elliptical shaped earth bund measuring 30m x 20m approximately set at 45 degrees and extending to a height of 9.5m AOD (existing ground level is approximately 7.6m AOD), encircled by a 4.5m wide moat of water dropping to 6.0m AOD. The habitat has been designed to increase the habitat available for water vole and provide them with a refuge from flooding by means of a raised island. The habitat is divided into four planting zones, including marginal planting along the water's edge and along the shallow bank, submerged planting in the shallow water and planting on the mound.

**ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

1.3 The Germany Beck housing scheme fell within the thresholds and criteria of Schedule 2 Development listed in the then Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and was therefore considered to be EIA Development that was accompanied by an Environment Statement ("ES").

1.4 An addendum (dated January 2017) to the ES has been submitted with this full application. However, this application is a separate full application for engineering excavations required by Natural England to comply with their licence requirements under separate legislation. It is not a subsequent application as it does not seek reserved matters consent nor is it required under an approval of detail under a condition on the outline consent. Further, it does not conflict with the management plan approved as part of a previous condition of approval on the outline. The site of the full application is not within a 'sensitive area' as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("EIA Regs 2017"). When considered in isolation, the application for a water vole habitat is not an application for planning permission for EIA Development under Schedule 1 or 2 of the EIA Regs 2017. The application would only fall within Schedule 2 by virtue of para.13(b) if the change to the approved development (i.e. the residential scheme) is likely to give rise to significant adverse effects on the environment. Given the scale of the proposed development, the reason for it and the environmental information already available about ecology, archaeology and flood risk in particular, it is considered that there would likely be no such significant adverse environmental effects.

1.5 Therefore, despite the submission of the ES Addendum, the application would not be EIA Development by virtue of Schedule 1 or 2 of the EIA Regs 2017 and, as such, is not an EIA Application that needs to be publicised as such.

## **2.0 POLICY CONTEXT**

2.1 Yorkshire and Humber Regional Spatial Strategy – Green Belt policies YH9(C) and Y1 (C1 and C2));

2.2 National Planning Policy Framework (March 2012);

2.3 City of York Draft Local Plan (2005) – relevant policies:

- CGP15A - Development and Flood Risk
- CYNE5A - Local Nature Conservation Sites
- CYNE6 - Species protected by law
- CYNE7 - Habitat protection and creation
- CYHE10 - Archaeology
- CYGB1 - Development within the Green Belt

2.4 Pre-Publication Draft Local Plan (2017) – relevant policies:

- SS2 – Role of York's Green Belt
- D2 – Landscape and Setting
- D6 – Archaeology
- D7 – The significance of Non-Designated Heritage Assets
- G12 – Biodiversity and Access to Nature

- GB1 – Development in the Green Belt
- ENV4 – Flood Risk

### **3.0 CONSULTATIONS**

#### **INTERNAL**

##### Planning and Environmental Management (Archaeology)

3.1 The applicant has submitted information to support the application to regularise the creation of a wetland habitat, and Appendix 23 Summary of Archaeological Work to date, Environmental Statement Update, includes a brief reference to the archaeological work carried out by MAP in association with the creation of this wetland habitat.

3.2 The proposal raises no new environmental issues in relation to the cultural heritage of this site, and the recording measures (a watching brief on the groundworks for this development) are adequate.

3.3 The application may therefore be approved subject to the applicant including a report on the archaeological watching brief in the main report for this phase of archaeological activity as set out in the approved WSI submitted for Condition 12 of approval 01/01315/OUT.

##### Planning and Environmental Management (Ecology and Countryside)

3.4 The presence of water voles on Germany Beck and the impact on this species from development was previously considered through the planning system during the outline application 01/01315/OUT. Various surveys have been undertaken over a period of time, including in May 2011 as part of the reserved matters Environmental Statement (12/00384/REMM) which did not record water voles.

3.5 Water vole are a mobile species which respond to habitat changes such as water levels and will readily colonise new, or re-colonise, areas. In 2015 water vole were recorded along Germany Beck. Formal water vole surveys undertaken in 2016 by QUANTS confirmed their presence along sections D, E and H of Germany Beck (the section of the beck eastwards of Germany Lane Meadow Site of Importance for Nature Conservation).

3.6 A water vole licence was granted by Natural England in April 2016 to undertake works which would directly impact on water vole habitat. No comment is given on the impacts on water voles, mitigation and compensation as this has already been assessed and approved by Natural England through the licensing process. As part of the licence requirements monitoring surveys will be undertaken during September/October on an annual basis until 2019 and Natural England take responsibility for ensuring the requirements of the licence are adhered to.

3.7 The main element of the water vole habitat compensation, a wetland area including an 'off line' pond, has been created within Germany Lane Meadow Site of Importance for Nature Conservation (SINC). This site was surveyed in 2008 and included in the City of York Biodiversity Audit (2010) which reviewed the Local Sites in York. Using the North Yorkshire SINC Guidelines criteria Gr4 (neutral grassland), the site scored nine out of eight indicator species overall although only seven were recorded as being at least 'occasional' with two additional species recorded more rarely. The site was felt to have declined in the 12 years since the original designation (1996) but although the site was now of borderline quality the North Yorkshire SINC Panel recommended the site for designation due to old unimproved grassland, particularly on a floodplain, being an increasingly rare habitat.

3.8 The site was re-surveyed in 2016 and the species interest was found to have declined further still, most likely due to lack of management and increased flooding events.

3.9 Sites designated as SINC's have no direct legal protection, such as Sites for Special Scientific Interest, which require them to be managed in a specific way, but they are afforded protection through the planning system.

3.10 The creation of a wetland habitat (pond) which extends to approximately 30 metres by 30 metres within the SINC has resulted in the loss of some grassland habitat and disturbance to other areas through construction. This area was recorded in 2016 as being heavily dominated by Himalayan balsam with additional species present including greater willowherb, common nettle, couch, false oat-grass, meadow vetchling and meadowsweet.

3.11 The wetland habitat has been designed specifically to benefit nature conservation and therefore the loss of degraded grassland is not considered a significant negative impact in the long-term. Currently the management of the SINC is set out in the previously agreed Landscape Management Specification: Nature Park by Rosetta Landscape Design (2015), including the control of Himalayan balsam, annual hay cut and monitoring. The creation of wetland habitat suitable for water vole does not significantly alter this management or impact on the management of the rest of the Nature park, however through the Natural England licence application it has been proposed to produce a SINC specific 20 year management plan and this approach is supported.

3.12 In conclusion there are no objections to this retrospective planning permission for wetland habitat within Germany Lane Meadow SINC, subject to a condition to secure a SINC specific management plan which will sit alongside the Landscape Management Specification: Nature Park by Rosetta Landscape Design (2015).

Flood Risk Management Team



3.13 No objections to the works. They are unlikely to lead to any significant environmental impacts.

## EXTERNAL

### Environment Agency

3.14 No comments to make.

### Ouse and Derwent Internal Drainage Board

3.15 The site sits within the Board's district and the Board has assets adjacent to the site in the form of Germany Beck and Fulford Ings, which are subject to high flows during storm events. The Board welcomes the creation of the habitat for water voles and has no objection to this application. Informative requested to remind the applicant that any work within 9m of any Board watercourse requires formal Board Consent.

### Fulford Parish Council

3.16 Do not oppose the principle of a refuge but make following comments and seek safeguards or conditions:

- request confirmation that the LPA will comply with 2011 EIA Regulations;
- the application seeks to amend details approved under outline condition 10 (nature park) and it is unclear whether the application is made under section 73;
- support the principle of a water vole refuge though question the location entirely within flood zone 3;
- habitat is compensation for loss of bankside habitat and not a permanent positive ecological impact as claimed in the Environmental Statement;
- the development will result in the loss of public amenity open space within the Germany Meadow for which there is no compensation proposed;
- incorrect to seek to justify the loss of habitat and open space because of deterioration of SINC, which is entirely due to the deliberate neglect since the developer acquired the land and comply with condition 10 of the approval requiring removal of Himalayan Balsam;
- highlight the current condition of the new refuge and that it is unfinished;
- development has not been constructed in accordance with the submitted plans and agreed with Natural England under the licence process;
- construction without planning permission has resulted in adverse environmental effects not being addressed in the updated ES including archaeology investigation, land drainage impacts following severing of pipes and control of Himalayan Balsam.

## **4.0 APPRAISAL**

4.1 The main considerations relevant to the determination of this application are:

Application Reference Number: 17/00904/FUL

Item No: 4a

- Principle of development
- Green Belt policy
- Biodiversity
- Flood risk and drainage
- Archaeology

## BACKGROUND AND PLANNING HISTORY

4.2 Outline planning permission ref. 01/01315/OUT was granted in 2007 by the Secretary of State for residential development of land north of Germany Lane for approximately 700 dwellings with associated. In 2013, reserved matters approval ref. 12/00384/REMM was granted on the basis of 650 dwellings. Work has begun to implement the permission with the construction of the highway access. The housing scheme was EIA development and the outline application was accompanied by an ES that was updated for the subsequent reserved matters application. A further ES addendum was submitted with the approval of details application pursuant to condition 10 (Nature Park) ref. AOD/14/00357 granted on 1.4.15. As part of the preparation of the ES various water vole surveys were undertaken, which did not record water vole.

4.3 However, in 2015, water vole were recorded along Germany Beck and a formal survey in 2016 confirmed their presence along the section of the watercourse east of the Germany Lane Meadow Site of Importance for Nature Conservation ("SINC"). Consequently, the developers applied to Natural England for a licence in relation to water voles for the purpose of 'conserving wild animals' under section 16(3)(c) Wildlife and Countryside Act 1981 (as amended). The aim of the licence was to conserve the water vole population by means of displacing water voles from construction working areas and providing new wetland habitat and refuge from flooding. The form, design and timing of provision of the new habitat has been agreed in discussion with Natural England. The location of the water vole habitat is within the Site of Importance for Nature Conservation that was intended to be left as existing as part of the residential scheme.

## POLICY CONTEXT

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt extending from the edges of the built up area to 'about 6 miles' from the centre of the City. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance

the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.5 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 confirms that for decision-taking, the presumption in favour of sustainable development means that, where the development is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against other policies in the Framework, or unless specific policies in the Framework indicate development should be restricted. The footnote to paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and locations at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as protecting Green Belt, taking full account of flood risk, contributing to the conserving and enhancing the natural environment, and conserving heritage assets in a manner appropriate to their significance.

4.6 Although there is no formally adopted local plan, the City of York Draft Local Plan was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. The site is shown as lying within York's Green Belt and a non-statutory nature conservation site on the Proposals Map that accompanies the draft 2005 plan.

4.7 At this stage, policies in the 2017 Pre-Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF), although the evidence base underpinning the work to the emerging plan is capable of being a material planning consideration in the determination of the planning application. The Proposals Map accompanying the 2017 plan includes the site within Green Belt land around York and a SINC.

## PRINCIPLE OF DEVELOPMENT

4.8 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner boundaries and the rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. Whilst the inner boundaries have not yet been finalised at a local level due to

the absence of an adopted local plan, the Secretary of State in granting outline consent for the Germany Beck development concluded that the site was in Green Belt. The application site would remain open following completion of the housing development and would continue to fulfil Green Belt purposes. Both the 2005 draft and emerging local plans include the site of the water vole habitat within the City's Green Belt. In light of the above, the site is considered to be within the general extent of Green Belt.

4.9 The site also lies within Flood Zone 3b (functional floodplain) and therefore can flood.

4.10 In accordance with the footnote to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations or in locations at risk of flooding. Instead, the more restrictive policies in section 9 and 10 of the NPPF apply.

## GREEN BELT POLICY

4.11 Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. All development is considered to be inappropriate in Green Belt, unless it falls within the closed lists contained in paragraphs 89 and 90 of the NPPF.

4.12 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and permanence. Whilst there is no definition of openness in the NPPF, it is generally taken to be the absence of built development. Paragraph 80 sets out the five purposes of the Green Belt:

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

4.13 The application seeks retrospective consent for engineering operations involved in creating a habitat suitable for water voles. Paragraph 90 of the NPPF includes engineering operations within the closed list of exceptions for 'other forms of development' that are also not inappropriate in Green Belt providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

4.14 The wetland habitat comprises a raised island that is approximately 1.9m maximum height above the existing ground level sitting within an excavated moat of water that is approximately 1.7m maximum depth below the existing ground level. The habitat is landscaped. The habitat is to the south of the Germany Beck watercourse within a larger area of land that is enclosed by boundary vegetation, to the west of an area of excavated compensatory flood storage water bodies and to the east of Fulford Cemetery. As such, the habitat is not out of character in the context within which it sits. It is considered that the engineering works would preserve the openness and purposes of the Green Belt and, as such, is not inappropriate development in the Green Belt.

## FLOOD RISK

4.15 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere (paragraph 100). This advice is reflected in Draft Local Plan Policy GP15a.

4.16 The site lies within Flood Zone 3b (functional floodplain) and, therefore, comprises land where water has to flow or be stored in times of flood. The works would constitute water-compatible development, which is considered appropriate in Zone 3b in policy terms, providing it has been designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

4.17 The first provision is not considered to be relevant due to the nature of the development. The habitat has been created through the re-profiling of the land with the excavated moat that is the primary water body compensating for the central raised mound. Therefore, the development would not result in any net loss of storage for flood waters, impede water flows or is likely to increase in flood risk elsewhere. Obviously as the proposal is for a water-compatible development that is appropriate in Flood Zone 3b, the sequential test is irrelevant.

4.18 The Environment Agency, Internal Drainage Board and Council's Flood Risk Engineer raise no objections to the proposal on flood risk grounds. The development is considered to comply with national and local planning policy regarding flood risk.

## BIODIVERSITY

4.19 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by,

amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability. Draft Local Plan policies NE5a, NE6 and NE7 reflect this advice in relation to conserving non-statutory sites, protected species and habitat creation.

4.20 The site is not a Site of Special Scientific Interest, ancient woodland or a European protected site. It is within a SINC, known as Germany Lane Meadow, which is a non-statutory, local designation. As such, the site has no direct legal protection, but is afforded protection through the planning system. The quality of the habitat within the SINC has declined since its original designation in 1996, probably due to lack of management and flooding events. However, it remains a designated site as old unimproved grassland that is increasingly rare habitat.

4.21 The Council's Ecologist and Countryside Officer has commented that the creation of the wetland habitat has resulted in the loss of some grassland habitat and disturbance to other areas within the SINC through its construction. However, the officer notes that the habitat has been designed to benefit nature conservation and enhance that of water voles specifically which are a protected species and therefore it is considered that the loss of degraded grassland would not have a significant negative impact in the longer term, subject to a condition to secure a SINC specific 20 year management plan. This plan would sit alongside the previous approved Landscape Management Specification for the wider Germany Beck Nature Park.

4.22 Fulford Parish Council highlight the current condition of the new refuge, which they consider unfinished and not constructed in accordance with the submitted plans or as agreed through the Natural England licence process. The applicant has confirmed that the works to create the habitat are complete and are subject to ongoing monitoring as required by the conservation licence. Natural England is the correct authority to monitor compliance with the licence and it is understood that the applicant has met with this body in November 2017 and that no issues were raised regarding compliance.

4.23 The proposal accords with the principles outlined in paragraph 118 of the NPPF that states that development proposals where the primary objective is to conserve or enhance biodiversity are permitted.

## ARCHAEOLOGY

4.24 Paragraph 135 requires the effect of an application on the significance of a non-designated heritage asset, such as heritage assets with archaeological interest, to be taken into account in determining an application. Draft Local Plan Policy HE10 reflects national planning guidance.

4.25 The site of the Germany Beck development has been subject to extensive archaeological investigations since 1995 and the outline planning application was

granted by the Secretary of State subject to a condition requiring further archaeological work as part of a Written Scheme of Investigation. A summary of archaeological works to date has been submitted with this application, which makes a brief reference to an archaeological watching brief being undertaken in the area of the water vole habitat. It states that no archaeological features were noted.

4.26 As such, the Council's City Archaeologist raises no objection to the engineering works subject to a condition in the event permission is granted for this full application requiring a report on the archaeological watching brief already undertaken during the engineering operations.

## **5.0 CONCLUSION**

5.1 The application seeks retrospective consent for engineering operations involved in the creation of a water vole habitat within a Site of Importance to Nature Conservation south of Germany Beck to meet the requirements of a conservation licence from Natural England. It is considered not to be EIA Development. The works are not inappropriate development in the Green Belt under paragraph 90 of the NPPF. The works compensate for the impact on existing water vole habitat from development works in the adjacent beck and provide an enhanced habitat. There have been no objections raised from statutory consultees, subject to the imposition of conditions relating to the reporting of the already undertaken archaeological investigations and a SINC specific management plan. The proposal is, therefore, considered to accord with national and local planning policy and is recommended for approval.

## **6.0 RECOMMENDATION:** Approve

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

- Persimmon Homes Yorkshire Drawing nos. 600-101 'Site Location Water Vole Sanctuary' and 600-102 'Site Location Water Vole Sanctuary', dated March 2017;
- Met Engineers Ltd Drawing no. 11655/5007-1-182 'Water Vole Sanctuary Cross Sections and Setting Out Information', dated June 2016;
- Quants Environmental Drawing no. 7b:Site Plan 'Germany Meadows', dated 26.1.16, and associated cross sectional drawings 7c: Cross Section - B and 7d: Cross Section - A, dated 25.1.16;

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

2 An ecological management plan (EMP) for Germany Lane Meadow Site of Importance for Nature Conservation (SINC) shall be submitted to the local planning authority within 3 months of planning permission approval. The content of the EMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The EMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the positive long-term management of a Site of Importance for Nature Conservation and habitat for a protected species.

3 A report on the archaeological watching brief of the engineering works that have been carried out shall be submitted to the local planning authority within 3 months of planning permission approval.

Reason: The site is of archaeological interest and it is necessary to record any archaeological deposits and features that may have been revealed as part of the development works.

## **7.0 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 (paragraphs 186 and 187) 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:

- imposition of conditions to address archaeological and ecological matters.



2. Informative:

Under the terms of the Land Drainage Act 1991 and the Internal Drainage Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under over or within 9 metres of the top of the bank of any watercourse.

**Contact details:**

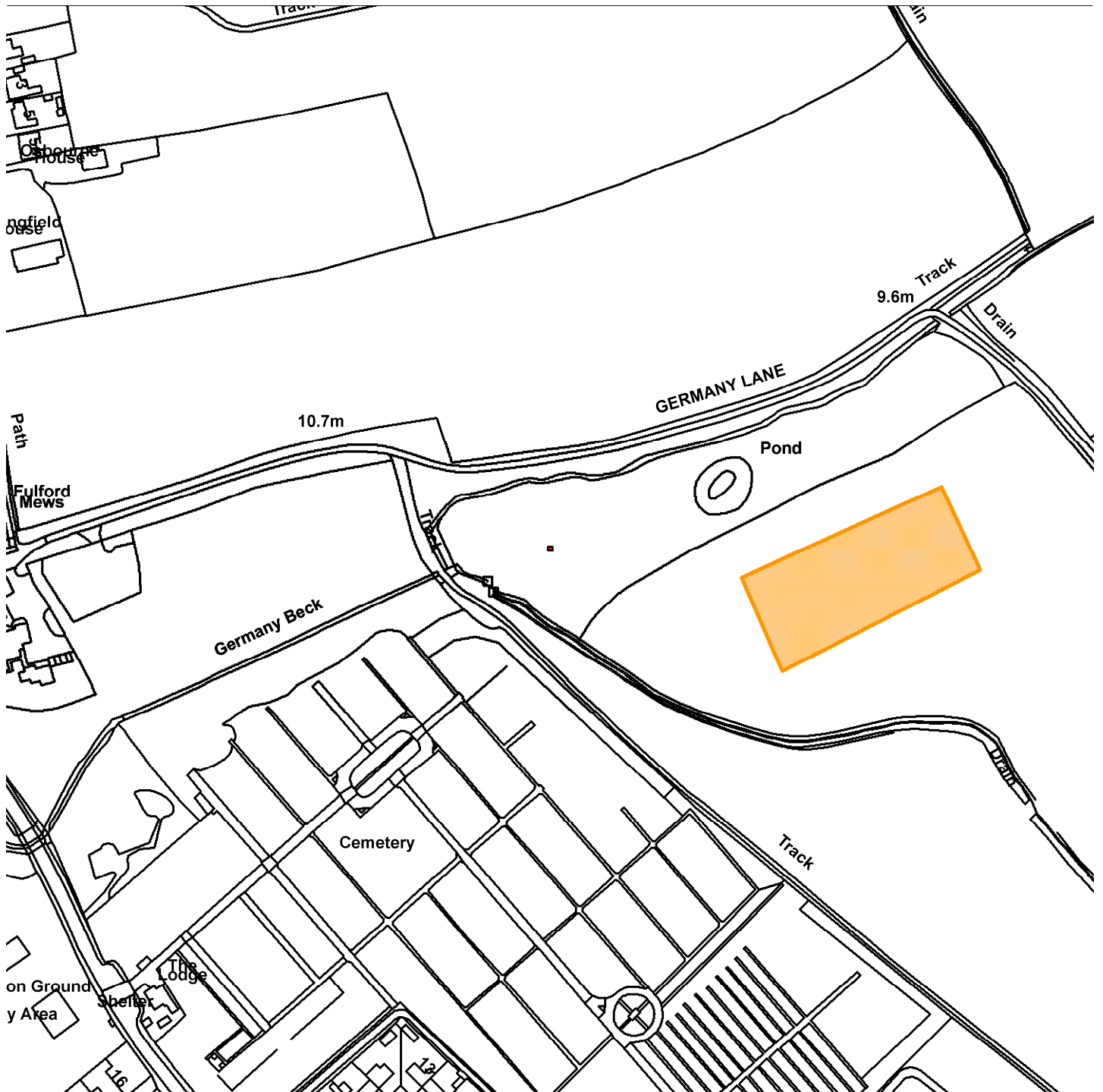
**Author:** Hannah Blackburn Development Management Officer

**Tel No:** 01904 551325

This page is intentionally left blank

17/00904/FUL

Germany Beck Site East Of Fordlands Road, York



Scale : 1:2740

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy and Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	09 January 2018
<b>SLA Number</b>	

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 18 November 2018      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 17/02657/GRG3  
**Application at:** James House James Street York YO10 3WW  
**For:** Conversion of former office building into 57no. apartments for temporary accommodation by homeless households, associated office / support facilities and external plant room and external works  
**By:** City Of York Council  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 8 February 2018  
**Recommendation:** Approve

**1.0 PROPOSAL****THE SITE**

1.1 James House is a large part two- and part three-storey building located on the east side of James Street. It is in the centre of Layerthorpe, an established commercial/industrial estate. James House is laid out in two long linear wings running parallel but offset, with a two storey bridge link. Car parking is available to the front of the building and also to the rear, with access beneath this bridge.

1.2 The immediate area is characterised by commercial and industrial premises including retail units and supermarkets, offices, car showrooms, mechanics, and builders yards. The 'First Bus' bus depot is located immediately opposite the site on James Street. The two storey building to the north of the site includes the Raylor Centre offices, Reflexions Studio and Katie Ventress School of Dance. To the rear, and bounding the rear car park is ISF Ltd, (metal workers and design and construction), whose access lane runs parallel to the site to the north. To the south is Elvington Floorcraft and Buildbase's builders yard. Local retail and community facilities are a short walk away on Lawrence Street. The town centre and its full range of facilities, including employment opportunities, is 800m to the west (15 minute walk away).

1.3 The building is currently vacant but was last in use as offices. Earlier in 2017, work began on converting the building to residential units under the previous permissions. However, at the time of the site visit, this previous work is currently being 'stripped out' to enable the conversion works proposed in this application to be implemented.

1.4 The site is in flood zone 1 (low risk of flooding) and is not in a conservation area.

## **PROPOSAL**

1.5 The proposal is to convert the building into temporary homeless accommodation to provide 57no. self-contained apartments including 31no. one-bedroom flats, 23no. two-bedroom flats and 3no. three-bedroom flats. Of these, 2no. one-bedroom, 1no. two-bedroom and 1no. three-bedroom apartments are accessible for disabled persons. The rest of the accommodation is mixed across the floors, with some apartments being duplexes with bedrooms above floors or within the converted roof space, overall giving four floors of residential accommodation.

1.6 External alterations are proposed to give the building a more contemporary appearance. The existing draught lobby will be removed and a new entrance with timber columns, glazing and single pitched roof will be provided at the front of the building with a ramped access and a 24 hour manned reception with staff offices, interview rooms and training kitchen behind (totalling 265 sqm. internal floorspace).

1.7 A strip of landscaping to the north of the building will be removed, including 5no. trees, to provide vehicle access to the rear car parking area. 12no. car parking spaces will be provided at the front of the building for residents, two of which will be reserved for the charging of electric vehicles, and two as disabled spaces. At the rear, 17no. car parking spaces will be provided for staff and professional visitors to the residents. A secure cycle store will be provided for the storage of 24no. bicycles at the front of the building with three further cycle stands for visitors.

1.8 The proposal reflects a long-held need by Housing Services to replace the current temporary accommodation at Ordnance Lane, Fishergate, which is no longer fit for purpose. The scheme will also consolidate homeless accommodation currently provided across four sites into a single building with significantly improved quality of accommodation for vulnerable households. Staff will be present on site from 8am to 8pm. Outside of these hours there will be two security personnel.

## **RELEVANT PLANNING HISTORY**

17/00474/ORC permission granted through the prior approval process for the change of use from office to residential development to form 60no. apartments (12.04.2017). Minor Variation of approval noted below.

16/02631/ORC permission was granted through the prior approval process for the change of use from office to residential development to form 60 no. apartments. (22.02.2017)

16/00108/ORC permission was granted through the prior approval process for the change of use from office to residential development to form 58.no apartments (10.03.2016).

7/10/292M/PA planning permission was granted for the erection of a two/three storey office with ancillary parking (07.12.1989).

## **2.0 POLICY CONTEXT**

### 2.1 Policies:

#### Draft Local Plan adopted for development control purposes (2005)

CYGP1 Design  
CYGP3 Planning against crime  
CYNE1 Trees, woodlands, hedgerows  
CYNE6 Species protected by law  
CYH4A Housing Windfalls  
CYH12 Conversion of redundant offices  
CYC1 Criteria for community facilities

#### Pre-Publication Draft Local Plan (2017)

DP2 Sustainable development  
DP3 Sustainable communities  
EC2 Loss of employment land

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Planning and Environmental Management (Ecology)

3.1 As two bats, and possibly four, were seen emerging from the building from at least one, if not two roosts, and there are likely to be repairs/replacement works/ conversion of roof space, then it is likely that bats will be impacted by the development. Bats are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 as amended. To compensate for the loss of roosting bat habitat, three bat boxes should be installed on the exterior of the building. The requirement for this and a European Protected Species Licence should be secured through planning conditions.

3.2 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also

address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

### Planning and Environmental Management (Landscape)

3.3 The trees alongside James Street and at the front corners of the existing building, contribute to the setting of James House and the public amenity along James Street within an otherwise rather stark streetscape. The trees along the frontage should be retained and protected comprising silver birch and cherry (T1, T2, T3, G1 and G2) furthermore there is scope to renew the ground level planting. The creation of an access along the northern boundary (with the subsequent tree removal), allows the introduction of a closed courtyard between the two main arms of the building. This will be an important element of the amenity and function of the development. However the bin store in this space should be relocated, or if not possible as a minimum be covered with climbers and have a green roof. Conditions are advised on tree protection during construction, agreeing details of the hard and soft landscaping and design details for the central courtyard.

### Public Protection

3.4 Officers have reviewed the proposals with consideration to potential noise, dust, light, odour, land contamination, air quality etc and have no objections to the application. Conditions are recommended relating to the investigation of land contamination, the submission of a remediation scheme, verification of remedial works and the reporting of unexpected contamination if found. Further conditions are advised relating to controlling hours of construction, noise insulation measures and preparation of a noise compliance report, deliveries and waste collections, plant and machinery noise and electric vehicle recharging. Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) shall be produced and agreed with the local planning authority. A standard demolition and construction informative is also advised.

### Highway Network Management

3.5 Scheme acceptable subject to the cycle stores being made more secure as the plans showed a gap above the wall and below the roof of a size somebody could climb through.

### Flood Risk Management

3.6 Initially, flood risk engineers objected to the proposals which were not in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency, Yorkshire Water and the York Consortium of Internal Drainage Boards requirements that peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). However, a new drainage plan has been



submitted. The Flood Risk Management Team has no objection in principle to the development but would require a condition that the foul and surface shall be constructed in accordance with the submitted Drainage Strategy Plan reference 17323/105 revision P2 dated 13th December 2017 prepared by Dudleys.

### Waste Services

3.7 Officers verbally advised that they have been in correspondence with the applicant regarding waste storage. They confirmed that for this development, for the residential element, 9no. 1100 litre refuse bins, 6no. 1100 litre recycling bins, and 3no. 660 litre recycling bins should be provided. The office waste needs to be arranged with a commercial collector and is on top of the above levels.

## **EXTERNAL**

### Yorkshire Water

3.8 No comments as the existing building's drainage systems are still in use.

### Designing out crime - North Yorkshire Police

3.9 The officer confirmed that the development lies within an area with relatively moderate crime and disorder levels. However any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. Overall the officer is supportive of the proposals but suggests ways of improving the safety of the scheme. Particularly, comments are made about the allocation of units to prevent conflict between users and children in the play area which is located close to ground floor units. Conditions are advised to agree lighting levels and coverage of car and cycle parking areas. A management plan for the allocation of accommodation to minimise conflict between residents, particularly children using the play area, should be prepared and agreed.

### Guildhall Planning Panel

3.10 No comments received at the time of writing of the report.

### Neighbours

3.11 One neighbour has commented on the proposals in relation to road safety if there are to be residents and children living on James Street. The road markings should be improved. The location of the bus stop opposite the site means that road users have to over take it on the wrong side of the road with implications for highway safety.

## **4.0 APPRAISAL**

## KEY ISSUES

4.1 The key issues are considered to be:

- Protected species
- Principle of the development
- Design
- Landscape
- Crime and safety
- Noise
- Contamination
- Neighbour amenity
- Highways

4.2 It is worth noting that whilst the proposals comprise residential accommodation the proposals do not fall within either the C3 residential nor C2 residential use classes but are outside of any class of the Use Classes Order. This is because the building would be used for temporary accommodation for a specific group of transient people, each of the units is self-contained, but there is also a level of support for residents available on a daily basis by professional support workers, and visitors are not allowed.

## PLANNING AND LEGISLATIVE CONTEXT

4.3 In the absence of a formally adopted local plan, the most up-to date representation of key policy is the National Planning Policy Framework (NPPF) and it is against this Framework that the application should principally be addressed.

4.4 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 are applicable.

### The National Planning Policy Framework (March 2012) (NPPF)

4.5 The NPPF sets out the Government's overarching planning policies. Paragraph 14 sets a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Para 118 of the NPPF states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;”

In this case as the Ecologist is satisfied that the impact on the protected species habitat can be adequately mitigated, the policy is not more restrictive, and the presumption in favour of sustainable development therefore applies.

4.6 Paragraph 17 sets out twelve core planning principles including proactively supporting sustainable economic development to deliver the homes and thriving local places that the country needs. Planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Account should be taken of the different roles and character of different areas, encouraging the effective use of land by reusing land that has been previously developed. Planning should deliver sufficient community facilities to meet local needs and seek to support strategies that will improve health, social and cultural well-being for all. Significant development should be located in sustainable locations.

4.7 Section 6 seeks the delivery of a wide choice of high quality homes. Whilst the proposal for the homeless accommodation is not a C3 residential use, it will provide temporary homes for people. Generally there is a presumption in favour of sustainable residential development. Local planning authorities should plan for the different groups in the community. Normally, they should approve planning applications for change to residential use from commercial (B1 use) buildings where there is an identified need, provided that there are not strong economic reasons why this would be inappropriate.

4.8 Section 7 on design explains that planning decisions should ensure development functions well and adds to the overall quality of the area, establishes a strong sense of place, creating attractive and comfortable places to live. Development should be visually attractive. Design should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. This is underlined further in section 8 on healthy communities.

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

4.9 The City of York Draft Local Plan (incorporating 4th set of changes, April 2005) has been adopted for development control purposes. Its policies can carry some limited weight where they accord with the NPPF.

4.10 Policy GP1 'Design' states that development proposals should respect or enhance the local environment and where appropriate incorporate appropriate landscaping where it would influence quality and amenity of the development. Private or communal amenity space should be provided for residential development. Residents living nearby should not be unduly affected by noise, disturbance, or overlooking. Policy GP3 provides guidance on planning against crime including encouraging natural surveillance of the site, providing secure locations for car and cycle parking and satisfactory lighting.

4.11 Policy NE1 'trees, woodlands and hedgerows', requires appropriate replanting to mitigate against the loss of any existing trees. Policy NE6 'Species protected by law' states that planning permission will only be granted for development that would not cause demonstrable harm to animal species protected by law or their habitats.

4.12 Policy H4a 'Housing windfalls' states planning permission will be granted for residential development where the site is within the urban area and is vacant, derelict or underused, has good accessibility, is of any appropriate scale and density and would not have detrimental impact on existing landscape features. Policy H12 on the 'conversion of redundant offices' to residential is not considered applicable in this case as it is superseded by guidance in the NPPF and the provisions of the GPDO under Class O for which the site has already secured permission for the change of use in principle (although it is noted it is limited to C3 residential use, which this scheme is not).

4.13 Policy C1 'community facilities' is applicable in that the provision of temporary housing for homeless people is considered to fulfil a social need. Planning permission should be granted for such facilities provided that the proposed development is of a scale and design appropriate to the character and appearance of the locality and it would meet a recognised need.

### Emerging Local Plan

4.14 The Council recently completed consultation on the Pre-Publication Draft Local Plan and updated evidence base to 30th October 2017. It is considered that the draft Local Plan policies carry very little weight in the decision making process at this stage (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

4.15 Policy DP2 'Sustainable development' supports the provision of good quality housing to meet the city's current and future needs. Policy DP3 'Sustainable communities' seeks to create a sustainable, balanced community through provision of an appropriate range of housing and to ensure that social and cultural infrastructure requirements of the new community are met through the provision of accessible facilities and services in a planned and phased manner which complements and integrates with existing facilities.

4.16 Policy EC2 'loss of employment land' requires developers to demonstrate that for buildings last in employment use, that they are no longer economically viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site.

4.17 Policy D1 'placemaking' states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment.

#### Evidence base

4.18 The up to date evidence considered relevant to this application includes the Biodiversity Action Plan (May 2013) which details the species of bat in York, preferred habitats, behaviour, threats, protection and ways of improving habitats.

### **CONSIDERATION**

#### Protected species

4.19 The applicants have submitted an ecological appraisal and bat survey. During the dusk emergence bat survey undertaken in August 2017, a minimum of two common pipistrelle bats, and possibly up to a maximum of four, were observed to emerge from a roosting site in a gap between the wall and soffit box on the east elevation of James House, and there was also a suspected roost site in the roof turret. As it is likely repairs/replacement will be made to these areas and the roof space is to be converted into living space, it is probable that bats will be impacted by the development. Bats are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 as amended.

4.20 To compensate for the loss of roosting bat habitat three bat boxes should be installed on the exterior of the building, best positioned at a height of between 3 to 6 metres in an open sunny position. A group of three boxes facing in different directions will provide a variety of micro-habitats. The requirement for this and a European Protected Species Licence should be secured through planning conditions. However the "derogation test" must also be passed and the applicant must secure a licence issued by Natural England authorising the specified activity/development to go ahead or a statement in writing from the relevant licensing body that a license is not required. The license is only required for works to the roof and soffit and other works on site can proceed without the license first being obtained.

4.21 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 are as follows:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

4.22 In terms of tests 1 and 2, the proposal is for the provision of 57no. residential units for temporary vulnerable homeless people. It will provide good quality, modern, warm and secure accommodation to replace temporary accommodation on Ordnance Lane which is no longer fit for purpose. It will also consolidate homeless accommodation currently provided across four sites into a single building with a range of support facilities on site. Being on site, it will make delivery of homelessness support more efficient and cost effective, giving staff more dedicated time. The building is also in a sustainable accessible location. There are thus clear social benefits from the proposals, alternatives no longer provide satisfactory accommodation and thus these tests are passed.

4.23 With regards to test 3, the building currently supports a small number of roosting common pipistrelle bats (maximum of four in a transitory night roost) which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the provision of three Schwegler bat boxes will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met.

4.24 Overall, in conclusion, providing that the license is secured and that roosting boxes are provided, officers are satisfied that the proposals will not cause harm to a protected species.

#### Principle of the development

4.25 Draft local plans (DCLP 2005 and Pre-Publication Draft 2017) contain policies which seek to protect employment sites unless they are no longer economically viable. Paragraph 51 of the NPPF which states that normally planning applications should be approved for the change to residential use from commercial (B1 use) buildings where there is an identified need, provided that there are not strong economic reasons why this would be inappropriate.

4.26 The offices have been vacant since at least February 2016, when a site visit was undertaken for the change of use to residential for the prior approval application 16/00108/ORC under Class O of the General Permitted Development Order 2015. Since then, two further applications have been approved for the change of use from offices to 60no. residential units through the prior approval process. As such, in principle, the overall loss of office accommodation has been established for some

time and no objections are raised on these grounds. However it is also noted that 265 sq.m floorspace will still be retained as offices, reception, interview rooms and a training kitchen. Thus whilst overall there is a loss in office accommodation, the site will provide offices for Council staff (up to 11no.) who will be on site from 08.00 to 20.00 seven days per week with two on-site security staff outside those times.

4.27 In terms of whether the site is a suitable location for residential development, again the fall back position is that three separate consents have already been granted for the change of use of James House from office to residential development through the prior approval process. In such applications, only transport and highways impacts of the development, contamination risks on the site, flooding risks on the site and the impacts of noise from commercial premises on the intended occupiers of the development can be considered. Whilst this application is an application for planning permission, where the full impacts of the development can be considered, the principle of residential in this commercial/industrial location has already been approved.

4.28 The site is within the urban area and a short walk/cycle from the city centre. Whilst vulnerable people will be located in a commercial/industrial environment, it is the nature that a building of this size, providing significant accommodation in one place, with a secure and safe environment with on-site support staff is unlikely to become available in a more traditional residential environment in York. The proposals will provide amenity space in the form of a small garden and play area. The building is intended to be used for short-term accommodation for people ranging from a week in length to occasionally over one year. With it being managed accommodation, rather than unmanaged 60no. flats for private rent/lease, there will be greater control over occupation than otherwise permitted. Management and location of occupants within the building to avoid conflict is considered a management issue, outside of planning, a condition requested by the Police Architectural Liaison Officer is not advised in this report. Whilst immediately around the site, the buildings are in commercial/industrial use, there is significant residential (including student) accommodation on Lawrence Street/Hull Road and at the north end of James Street with Layerthorpe.

### Design and Landscape

4.29 The proposals comprise the conversion of the building to 57no. self-contained apartments. Each benefits from natural light and ventilation to habitable rooms. In total, 7no. new or enlarged window openings are proposed. All existing windows will be replaced and upgraded. New skylights will be inserted into the roof to provide fresh air and natural light to the bedrooms in the roof space. It is anticipated that these new windows and doors will be dark grey (anthracite grey) to update the buildings appearance. The existing draught lobby is to be replaced with a modern contrasting entrance with tall glazing panels between timber supports and a pitched roof. Ramped entrances will be introduced to provide improved access for less able residents.

4.30 The proposed site plan illustrates other changes within the site. New controlled access gates are proposed beneath the bridge of accommodation between the two wings, across the vehicular access to the north of the building and around the northern perimeter. This will create a safe, secure and controlled environment for these potentially vulnerable residents. However this will also result in the removal of a landscaping strip along the northern boundary comprising grassed areas, shrubbery and 5no. trees (silver birch and rowan). In its place will be a 4m wide, tarmac access road to the rear car park. This strip currently softens the boundary between James House and the Raylor Centre (offices and dance studios) next door. The trees, both in winter but certainly in summer, would also provide a privacy screen between some of the residential units on the north facing elevation of A wing and these neighbouring occupiers, and amenity value for residents of James House. Whilst this is regrettable, unfortunately there isn't space for replanting of trees along this boundary. The floor to ceiling heights at James House are greater than the neighbouring offices on this boundary and thus there is no direct looking across into and between the offices and flats on the same level. As a change of use, it is not possible to increase the separation distance beyond existing, being 9m. The applicant has advised that they have been unable to agree shared access of the existing lane beyond the northern boundary. As such there is no alternative and the benefits are that a secure enclosed site can be created with a dedicated amenity space at the centre (the 'courtyard').

4.31 Those trees of greatest amenity value on the street frontage are to be retained; T1, T2, T3, G1 and G2 (Silver birch and cherry). Their survival during the construction period and beyond can be secured by agreeing tree protection measures through condition. The fence along the northern boundary could be softened by climbing plants and this again can be controlled through the landscape condition. The landscape architect does not object to the removal of the trees proposed but underlines that the enclosed courtyard provides an important amenity space and there are opportunities for planting, including a significant tree. However the substantial bin store imposes upon this space and detracts from it and concerns are also raised about the impact of odours from this store close to residents' windows.

4.32 The applicant has advised in response that the rear bin store cannot be moved to the rear car park, as this staff car park is to be kept secure and access controlled. This is accepted by officers. The architect has sought to soften its impact by proposing a green roof and revised plans have been submitted. Similarly, a green roof has been proposed to the refuse store/cycle store at the front and additional landscaping to soften the impact on the street scene. Revised plans now show the full bin storage requirement, which will be collected by the Council. Staff will take the required bins from the courtyard store to the bin store at the front of the building on a collection day. This is now considered acceptable.

4.33 Overall, the proposals for alterations to the external appearance of the building and the proposed amenity facilities and services are supported and will create a good quality environment for its occupiers, appropriate for its location.



## Highways

4.34 A Transport Statement and Travel Plan have been submitted with the application. In summary the reports conclude that the accident data for the last three years has been investigated and has not raised any significant concerns over road safety on the surrounding highway network in the vicinity of the site. The neighbour concerns over conflict between residents and traffic is not considered to be above normal risk. Car parking has been provided in accordance with the principles set out in the City of York Council's car parking guidance. Waste collection has been considered and is considered to be safe and convenient. The site is considered to be well located in terms of its accessibility by all the major non-car modes of transport. Investigations into the traffic generating potential of the site have revealed that the proposed development could generate up to 16 vehicle movements in the morning and evening peak hour, significantly less than that which would otherwise be generated by the permitted land use on the site. The proposals are therefore considered to have a net benefit in terms of the capacity of the adjacent highway network. The applicant has advised that historically, for homeless accommodation, levels of car ownership are extremely low. As such, the provision of 12no. car parking spaces for residents, in this location, for this use, is supported.

4.35 The Travel Plan advises that a staff member should be a point of contact, the 'travel plan coordinator', providing information on accessibility by bus, connections to trains, travel by bike and on foot. They would monitor travel choices, any promotional material and oversee its implementation.

4.36 The application proposes 12no. staff/resident car parking spaces at the front of the property and 17no. staff and professional visitor parking spaces at the rear. The car parking at the rear will be accessed via the new lane running along the northern boundary from James Street with a controlled access gate close to the reception. At the rear, an emergency access from the car park and adjacent metal works will be provided to the lane running parallel alongside the Raylor Centre. Otherwise, the car park at the rear is completely enclosed. The front car parking area will be overlooked by residents, the reception and two security guards will be on site 24 hours a day. In this location, the police architectural liaison officer has advised that whilst crime levels in the area are moderately high, overall they are supportive of the scheme providing a lighting scheme is agreed with the applicant prior to occupation.

4.37 Earlier versions of the cycle storage were not sufficiently secure and enclosed in this location. Revised plans and designs have now been received that show a brick store, with a green 'floating' pitched roof with a metal open mesh between the roof and top of the walls for security and timber lockable doors. Internally, Sheffield stands are set at 1m spacing. This is now considered acceptable in the street scene and attractive for residents to use, providing again details of internal and external lighting are agreed. This can be through submission of details to satisfy a condition.

## Contamination and noise

4.38 Environmental Health Officers considered the proposals in relation to noise, dust, light, odour, land contamination and air quality. The property is located in an area which has previously been used for a variety of industrial operations and will include the creation of a garden / children's play area. As this will involve ground disturbance, contaminated land conditions are advised prior to any ground works being undertaken, including an investigation and risk assessment and remediation scheme and verification works if required.

4.39 As the area surrounding the site is predominately industrial / commercial and the building is adjacent to James Street, residents could potentially be impacted upon noise from these sources. A noise report has been submitted with the application which considers prevailing background noise levels and the acoustic properties of the current building. This indicates that background levels of noise are representative of the commercial uses and that traffic is the predominant source in the area. The report concludes that it should be possible to attain recommended internal noise levels for residential property if appropriate mitigation is applied to the design (particularly in relation to the window glazing standard). The methodology and conclusions presented in this report are acceptable. However to protect new residents from unacceptable noise levels it is recommended that noise insulation measures are undertaken in the conversion works and this must be agreed with the local planning authority. Similarly, details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. Again, this can be controlled by condition.

4.40 Overall, therefore there are no objections to the proposals in terms of contamination, noise, air quality etc subject to the attachment of conditions to agree details of the scheme.

## **5.0 CONCLUSION**

5.1 The application is the conversion of the former office building known as James House on James Street into 57no. apartments for temporary accommodation by homeless households, with associated office / support facilities. Amendments are made to update the external appearance of the building with replacement windows, a replacement lobby of contemporary design and ramped access into the building. A new vehicular access will be provided on the northern boundary to a secure staff car park at the rear. A safe and enclosed courtyard will provide new amenity space, including play equipment and landscaped garden for residents use. At the front of the building will be staff/resident car parking and secure cycle parking in a new brick building with green roof. Silver birch and cherry trees are retained on the street frontage.

5.2 Whilst bats, a European Protected Species, have been found in the building subject to the relevant license being obtained, officers advise the 'derogation tests' have been passed, and harm can be adequately mitigated. The proposals are found to be in accordance with the key principles at paragraph 17 of the National Planning Policy Framework (2012) and particularly sections 6 on housing and 7 on design. The proposals are also found to be in accordance with those relevant policies in the draft local plans which are in accordance with the NPPF. These key policies are GP1 Design, GP3 Planning against crime, H4a Housing windfalls and C1 Community facilities in the draft Local Plan adopted for development control purposes 2005 and DP3 Sustainable communities in the Pre-Publication Draft Local Plan 2017. The application is thus recommended for approval subject to the attachment of the following conditions.

## **COMMITTEE TO VISIT**

### **6.0 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:-

Schedule of accommodation NPS-SH-A-(00)001, received 20.12.2017

Proposed Site Plan, NPS-DR-A-(00)070 revision P4.2, received 19.12.2017

Proposed Ground Floor Layout, NPS-DR-A-(00)071 revision P4.2, received 19.12.2017

Proposed First Floor Layout, NPS-DR-A-(00)072 revision P4.1, received 13.12.2017

Proposed Second Floor Layout, NPS-DR-A-(00)073 revision P4.1, received 13.12.2017

Proposed Second Mezzanine Floor Layout, NPS-DR-A-(00)074 revision P4.1, received 13.12.2017

Proposed Roof Layout, NPS-DR-A-(00)075 revision P4.2, received 20.12.2017

Proposed Elevations Sheet 1 of 3, NPS-DR-A-(00)076 revision P4.1, received 13.12.2017

Proposed Elevations Sheet 2 of 3, NPS-DR-A-(00)077 revision P4.1, received 13.12.2017

Proposed Elevations Sheet 3 of 3, NPS-DR-A-(00)078 revision P4.2, received 19.12.2017

Proposed Section, NPS-DR-A-(00)079 revision P4.1, received 13.12.2017

External Buildings Energy Centre NPS-DR-A-(00)080 revision P4.0, received 13.12.2017

External Buildings Bin Store within Courtyard, NPS-DR-A-(00)081 revision P4.1, received 19.12.2017

External Buildings Bin and Bike Store to Front of Building, NPS-DR-A-(00)082, revision P4.1, received 19.12.2017

Dudleys Drainage Strategy Plan 17323/105 Revision P2 received 13.12.2017

Quants Environmental Aborigicultural Survey (August 2017)  
SCP Travel Plan (November 2017)

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

3 The following works; repair to or replacement/amendment of the soffit boxes and/or the roof turret of James House as identified in Figure 2 of the Ecological Appraisal and Bat Surveys report by QUANTS Environmental Ltd dated September 2017, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To prevent harm to a protected species.

4 Prior to first occupation or use of the development hereby approved three woodcrete bat boxes (e.g. 2F Schwegler) must be installed on James House under the direction of a suitably qualified ecologist. The location of these boxes shall be agreed in writing with the local planning authority prior to installation.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,

- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

8 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is

subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of the locality

10 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works, no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the amenity of the new residents from noise

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

11 Should new, or existing plant and machinery be moved (this includes boilers, air conditioning, kitchen extracts, lift equipment etc) then details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby commercial properties and the new residents from noise

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

12 Two electric vehicle recharge points, serving two dedicated car parking bays, should be installed prior to first occupation of the new residential facility. The bays should be marked out for the exclusive use of electric vehicles. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand for charging points in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority. Prior to first occupation of the building the applicant will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

Reason: To promote and facilitate the use of low emission vehicles at the site in line with the NPPF, City of York Council's adopted Air Quality Action Plan (AQAP3) and the Low Emission Strategy (LES)

Note: The electrical circuit/installation shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation (2015).

13 Prior to first occupation or use of the development hereby approved, a detailed external lighting scheme covering the front and rear car parks and cycle storage areas shall be submitted for approval in writing by the local planning authority and the approved scheme shall be implemented prior to first use or occupation of the development and thereafter maintained in accordance with these approved details.

Reason: To provide greater security for people and property at the site.

Note: Both car parks should be illuminated to BS5489. The cycle stores should have all external doors, illuminated with vandal resistant security lighting, operated by a photocell sensor with manual override switch and fitted at a height that makes them not easily accessible.

14 Before the commencement of development, an Arboricultural Method

Application Reference Number: 17/02657/GRG3

Item No: 4b

Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; ground protection; site rules and prohibitions; type of construction machinery/vehicles to be used; means of access to the building facade where required; locations for stored materials, locations and means of installing utilities, and the location of the site compound.

The protective fencing line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing. The approved Arboricultural Method Statement shall be complied with. A copy of the document will be available for inspection on site at all times.

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

15 Prior to first occupation of the building, a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority. It shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. It will also include details of ground preparation. This scheme shall be implemented within a period of six months of this first occupation of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

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

16 Prior to first occupation of the building, a detailed scheme for the central courtyard shall be prepared and submitted for approval by the Local Planning Authority. It shall include surface treatments, level changes, play equipment and street furniture. Thereafter, it shall be fully implemented in accordance with these approved details and within a period of six months from the first occupation of the development.

Reasons: So that the Local Planning Authority may be satisfied with the aesthetic and  
Application Reference Number: 17/02657/GRG3 Item No: 4b



functional quality of the courtyard, which is an important amenity element of the development.

17 Prior to first occupation, the foul and surface drainage shall have been constructed in accordance with the submitted Drainage Strategy Plan reference 17323/105 revision P2 dated 13th December 2017 by Dudleys.

Reason: To ensure proper drainage of the site in accordance with the requirement that peak run-off from brownfield developments must be attenuated to 70% of the existing rate.

18 Prior to first occupation, details of all boundary treatments, new access gates, and fenced enclosures shall be submitted for approval in writing by the local planning authority, in consultation with the Police Architectural Liaison Officer. Thereafter, they shall be implemented fully in accordance with these approved details.

Reason: For visual amenity and ensure an appropriate level of security within the site.

19 The infill brickwork and brickwork for the ancillary buildings (Energy centre, bin and cycle stores) shall match the existing brickwork in all respects i.e., bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Unless otherwise agreed in writing with the local planning authority, the new windows shall be anthracite grey (or similar dark grey) in colour and be formed in the same pattern of glazing, with casement side hung windows, as shown on the approved plans. As shown on the approved plans, the cycle and bin stores will have green roofs.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

## **7.0 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought amendments to the cycle stores to ensure they were secure, enclosed and undercover.

#### **2. INFORMATIVE: DEMOLITION AND CONSTRUCTION**

Application Reference Number: 17/02657/GRG3

Item No: 4b

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) 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".

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

(c) 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.

(d) 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.

(e) There shall be no bonfires on the site.

### 3. PROTECTED SPECIES

The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been obtained. The three tests are that:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

Information should be supplied in support of these tests when seeking the license from Natural England.

#### **Contact details:**

Application Reference Number: 17/02657/GRG3

Item No: 4b

**Author:** Sophie Prendergast Development Management Officer  
**Tel No:** 555138

This page is intentionally left blank

17/02657/GRG3

James House, James Street, YO10 3WW



GIS by ESRI (UK)



Scale : 1:2339

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy and Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	09 January 2018
<b>SLA Number</b>	

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 18 January 2018      **Ward:** Bishopthorpe  
**Team:** Major and      **Parish:** Acaster Malbis Parish  
Commercial Team      Council

**Reference:** 17/00342/FUL  
**Application at:** Whinney Hills Appleton Road Acaster Malbis York  
**For:** Creation of new access, excavation of pond and siting of 2no. static caravans (part retrospective)  
**By:** Mr and Mrs Clarke  
**Application Type:** Full Application  
**Target Date:** 16 November 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application site is located within the general extent of the York Green Belt on the south eastern side of Appleton Road. It comprises a flat area of grassland, with mature trees along the frontage and the western boundary. The site boundaries are well defined by mature hedging which have been left to grow so that the site is relatively well screened. The surrounding landscape is open farm land delineated by low level hedges and post and rail fence. There is an existing access in to the site towards its northern corner.

1.2 The application is part retrospective for the siting of two static caravans, and a driveway that runs along the south western boundary towards the static caravans and stable. Permission is also sought for a surface water soakaway/pond and a new access to the west of the existing access into the site. The static caravans are at the southern corner of the site. A stable building on the site was approved in June 2016.

1.3 The applicant has stated in supporting information that he intends to start a business on the site for a certified site for up to 5 caravans. This is not for consideration in relation to the current application, and subject to compliance with the relevant criteria may be Permitted Development.

**1.4 HISTORY**

04/03629/AGNOT (29.10.2004) Erection of an agricultural building (determined not permitted development).

04/04151/FUL (12/05/2005) Permission refused for general purpose agricultural building

05/01117/FUL ( 28.06.2006) Permission granted for Erection of detached stable block with associated storage.

## 2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. The following policies are considered relevant to the application:

- CYSP2 The York Green Belt
- CYGP1 Design
- CYGP4a Sustainability
- CYGP9 Landscaping
- CYGP14 Agricultural Land
- CYGP15a Development and Flood Risk
- CYNE7 Habitat Protection and Creation
- CYHE10 Archaeology
- CYGB1 Development in the Green Belt
- CYH4a Housing Windfalls

2.2 Consultation ended on the Pre-Publication Draft Local Plan on October 30th 2017:

- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- SS2The Role of York's Green Belt
- D2 Landscape and SettingGB1 Development in the Green Belt
- GB1 Development in the Green Belt.
- ENV4 Flood Risk
- ENV5 Sustainable drainage
- EC4 Tourism

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

Design Conservation and Sustainable Development (Heritage Project Officer)

3.1The site is located within a broader Prehistoric and Romano-British landscape. The site appears to have been relatively undisturbed. It is possible that the development of the road and pond may reveal or disturb archaeological features relating to the prehistoric-medieval periods which may be located beneath the shallow



topsoil. Ditches systems have been identified on aerial photographs to the west of this site, whilst an Iron Age enclosure has been noted to the east. It will therefore be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Recommend a condition is imposed on any approval.

### Network Management (Highway)

3.2 The location is unsustainable due to the rural nature; there are no footways, street lights, close facilities or public transport. Therefore anticipate that there will be an increased reliance on car borne trips from this location, compared to that of residential/ holiday accommodation in a sustainable location. The existing lawful access (prior to static caravan placement) is an historic agricultural field access expected to generate very few vehicle movements on an infrequent basis. The presence of residential/ holiday accommodation would pose a measurable intensification exacerbated by the reliance on car borne trips due to its unsustainable location.

3.3 The existing access subject to this planning application is located within an overgrown hedge on an unrestricted road and is currently concealed. The sightlines achievable by works to the hedgerows under the applicants control would fall substantially below current standards for cars exiting the site. The location is such that maintenance of the hedges will be an ongoing issue, and providing the required sightlines would not be under the control of the applicant. A condition in respect of the sightlines required for the development to enable the occupiers of the caravans to exit the site in a safe manner would not therefore be possible. Acknowledge that the access is an existing one but due to the increase in traffic expected, officers feel that the increased risk of vehicles exiting the site blindly would be detrimental to other road users.

3.4 There is no indication that the hedge line will be altered in any way to achieve suitable sightlines. It is therefore assumed that the same issues as above will apply. It is recommended that the applicant commissions a traffic speed survey to determine the 85%ile wet weather speed of the road to satisfy themselves that the correct sightlines are achievable from the proposed access; with or without hedge alterations in accordance with Manual for Streets.

### Design Conservation and Sustainable Development ( Countryside and Ecology)

3.5 Note that the proposed pond is intended to act as a surface water soakaway and so have no comment to make with regards to this element of the application. From aerial photos there appears to be some significant trees around the site boundary and in the area of the proposed static caravans, which could be impacted by hardstanding or the storage of materials within their root protection zone. The creation of a new access would require the removal of trees/hedgerow along Appleton Road - this may have already occurred.

Flood Risk Management Team

3.6 Object on basis that it is not clear from the submitted details how the applicant will satisfactorily dispose of the foul and surface water from the development. Insufficient drainage details to assess the effect the development will have on the site drainage and downstream watercourse.

EXTERNAL

Acaster Malbis Parish Council

3.7 Object: The Parish Council considers that the development is inappropriate development within the greenbelt and permission should be refused. Furthermore, the Parish Council has serious concerns regarding the risk to highway safety of slow moving vehicles towing caravans and other vehicles entering and leaving the site from Appleton Road. The road is subject to the national speed limit at which vehicles travel at high speed. Additional traffic entering and leaving the highway presents an unacceptable risk in view of the restricted sight lines and high potential speed of passing vehicles.

Ainsty Internal Drainage Board

3.8 The Board has assets adjacent to the site in the form of Intake Dyke. The risk of flooding should be reduced and surface water managed in a sustainable manner. The Boards consent is required for any development within 9m of the bank top of any water course. The Local Authority should be satisfied that surface water is satisfactorily catered for. It appears that the development will increase the impermeable area of the site and surface water run off if not constrained. The Board welcomes solution that retains water on site. Further information on the capacity of the pond is required. Further information required. No objection in principle but recommends conditions requiring the agreement of a scheme for surface water drainage.

PUBLICITY

3.9 The application was advertised by site notice October 9th 2017 and nearest residential neighbour at Woodside Farm directly consulted. A further consultation was carried out with a neighbouring landowner on January 2<sup>nd</sup> 2018. Consultation expires on January 23<sup>rd</sup> 2018.

3.10 One letter of objection has been submitted and includes the following points;

- The application sets a dangerous precedent and a mockery of planning legislation that a piece of land can be bought, static caravans sited and live on the site. Only applying for planning permission when challenged.

- Since the applicant has moved in, the access track has been defined and surfaced, and a shed structure sited.
- No details of foul drainage.
- Application is only for the caravan's access and pond but inextricably linked to intention to run a business on the site. There are already three caravan sites within a mile of the site and therefore it is not needed and will add little to tourism in York.
- Caravans being towed on this busy road particularly at the height of the farming season would create a potential hazard.
- The field was previously used by horses, hence the stable and did not present an obvious fly tipping problem.
- Further residential provision in the area is unnecessary and should neither be supported nor encouraged

## 4.0 APPRAISAL

### KEY ISSUES

- Planning Policy
- Green Belt
- Principle of residential development
- Design and landscape considerations
- Archaeology
- Ecology
- Highway considerations
- Impact on Residential Amenity
- Drainage/Flood Risk
- Assessment of supporting information

### PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies Y1 (C1 and dC2) which relate to York's Green Belt and the key diagram insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant

policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) 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 unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies concerning green belt apply.

4.3 The NPPF should be considered as a whole; however the following sections have particular relevance to this application. Section 1 of the NPPF relates to building a strong competitive economy. Section 3 advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This section makes specific reference to supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Section 6 relates to delivering a wide choice of high quality homes. Section 7 relates to the importance that the Government places on good design. Section 9 states that the Government attaches great importance to Green Belts. Section 10 relates to meeting the challenge of climate change, flooding and coastal change. Section 11 relates to conserving and enhancing the natural environment and Section 12 relates to Conserving and enhancing the historic environment including assets of archaeological interest.

#### DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

#### EMERGING LOCAL PLAN

4.5 The public consultation on the Pre-Publication draft Local Plan ended on Monday 30 October 2017 and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is capable of being a material consideration in the determination of planning applications.

#### GREEN BELT STATUS OF THE SITE

4.6 The site is located within the general extent of the York Green Belt, as described in the RSS. The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential

characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

4.7 Policy GB1 'Development in the Green Belt' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the National Planning Policy Framework (NPPF) the general aim of the policy is considered to be in line with the NPPF.

4.8 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York. The general aim of the policy, to take account of the different roles and character of different areas, is considered to be in line with the NPPF.

4.9 The character of the area that includes the site is open and agricultural. Additionally, when the site is assessed on its merits it is concluded that it serves at least one of Green Belt purposes, namely assisting in safeguarding the countryside from encroachment. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

4.10 NPPF paragraph 87 states that inappropriate development is, by definition, harmful to the greenbelt, and should not be approved except in very special circumstances. Paragraph 88 states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' The siting of the static caravans, does not fall within any of the exceptions to inappropriate development identified within paragraphs 89 and 90 of the NPPF, and is therefore harmful by definition.

4.11 Paragraph 90 of the NPPF establishes engineering operations as being not inappropriate within the Green Belt where they would preserve openness and would not harm the purposes of designation. It is considered that the additional access, together with the surfaced driveways go beyond what would normally be required for agricultural purposes, and therefore will increase the urbanisation of the area. This is in particular if an alteration to the hedge to provide appropriate site lies is required. As

such, the access and driveways are harmful to openness and as a consequence is not appropriate development.

4.12 The formation of the pond/surface water soakaway, also falls to be considered in relation to paragraph 90 of the NPPF. It is considered that subject to natural contouring of the pond, this is a feature that can commonly be found in countryside locations that are agricultural in character. In view of this, it is not considered that it will impact on openness, and accordingly, it is considered that this part of the development is not inappropriate.

## PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.13 Section 6 of the NPPF relates to the delivery of a wide choice of high quality homes. However paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It further states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside, where it relates to a heritage asset, the re-use of redundant buildings or for exceptional quality or innovative nature of the design. In this case the development does not relate to a heritage asset or re-use of a building. The design is not innovative or truly outstanding, and an essential need for a rural worker to live permanently at the site has not been established. Accordingly, it is not considered that the development satisfies the guidance within section 6 of the NPPF, and would result in the creation of a dwelling in an unsustainable location.

## DESIGN AND LANDSCAPE CONSIDERATIONS

4.14 It is considered that the siting of the static caravans, the internal driveways (retrospective), and the proposed access within the site will result in an urbanisation of the area, and a change from the existing agricultural character. This urbanisation will be increased by virtue of the loss of trees/hedging to create the proposed entrance. One of the core planning principles of the NPPF states that planning should be about recognising the intrinsic character and beauty of the country. Furthermore Section 7 of the NPPF states that the government attaches great importance to the design of the built environment. The design of the caravans fails to reflect local distinctiveness, and does not demonstrate 'good design'. In addition the design and method of construction is such that the caravans will have poor longevity and may deteriorate over time. It is further considered that the development is contrary to Policy GP1 of the Draft Local Plan which expects proposals to respect or enhance the local environment.

## ARCHAEOLOGY

4.15 One of the core principles of the NPPF states that planning should 'conserve heritage assets in a manner appropriate to their significance. The site is located within a broader Prehistoric and Romano-British landscape. The Heritage Project Officer has advised that it is possible that the development of the road and pond may reveal or disturb archaeological features relating to the prehistoric-medieval periods which may be located beneath the shallow topsoil. Ditches systems have been identified on aerial photographs to the west of this site, whilst an Iron Age enclosure has been noted to the east. It will therefore be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. It is considered however that such work can be secured by condition.

## ECOLOGY

4.16 Section 11 of the NPPF states that the planning system should contribute to, and enhance the natural and local environment. The site has not however been identified as a national or local site of nature importance. The ecologist has not raised any objection to the application; however she has advised that the hard standings and the access may impact on existing mature trees. It is therefore considered that a landscape management plan is required by condition should Members resolve to approve the application.

## HIGHWAY CONSIDERATIONS

4.17 Highway officers have expressed concern regarding the unsustainable location of the proposed development, which is likely to result in an increased reliance on car borne trips. They have also raised concern regarding the existing site lines for the site, and also for the proposed access. Whilst they acknowledge that one access is existing, they state that there will be an intensification of the use, and sightlines achievable by works to the hedgerows under the applicants control would fall substantially below current standards for cars exiting the site. The location is such that maintenance of the hedges will be an ongoing issue, and providing the required sightlines would not be under the control of the applicant. No information has been provided to indicate that the hedge line will be altered in any way to achieve suitable sightlines. Acaster Malbis Parish Council has also raised serious concerns regarding the risk to highway safety of slow moving vehicles towing caravans and other vehicles entering and leaving the site from Appleton Road. This concern is re-iterated by a representation received as a result of the publicity of the application. Nevertheless, as stated earlier in the report, the current application does not include use of the site as a caravan site.

4.18 It is not considered that occupation for two static caravans will result in a significant increase in traffic generated. In addition paragraph 32 of the NPPF states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Further clarification from Network Management Officers is awaited, and Members will be updated at their meeting.

## IMPACT ON RESIDENTIAL AMENITY

4.19 The site is located in an area that is agricultural in character. The nearest residential property is a farm, situated to the north west of the site. Given the location of the site in relation to this property, it is not considered that the scale of development will have a significant adverse impact on their existing amenities.

## DRAINAGE

4.20 The northern corner of the site lies within flood zone 2. However the majority of the site, including the area where the static caravans are located lies within flood zone 1. In view of this the development accords with the principle of that part of section 10 of the NPPF which aims to steer new development to areas with the lowest probability of flooding. In relation to drainage, there is a septic tank on the site for foul drainage and the proposed development includes a pond/soakaway. The Flood Risk Management Team has objected to the application on the basis of insufficient information being provided to assess the impact of drainage. It is considered however that the details could be secured by condition.

## ASSESSMENT OF SUPPORTING INFORMATION

4.21 In support of the application, the applicant has stated that the two caravans are to live in and to start a business which would comprise 5 touring caravans. They also state that the Government is encouraging people to start new businesses and create tourism in this country. Furthermore they advise that the land has been used for fly tipping in the past, and living on the site will deter trespassers and poachers.

4.22 Whilst the value of tourism to the rural economy is acknowledged, the establishment of a caravan site is not part of the current application, nor has such a business been established. Subject to compliance with relevant criteria, sites for up to 5 caravans belonging to members of an exempted organisation may be permitted development. In addition, it is considered that the benefits occurring from a '5 caravan site' would be small and in any event is unlikely to justify an essential need for residential occupation of the site in accordance with any such business.

4.23 It is not considered therefore that the supporting information has demonstrated very special circumstances that, either individually or collectively, clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm.

## 5.0 CONCLUSION

5.1 It is considered that the proposal would constitute inappropriate development in the Green Belt. According to paragraph 87 of the NPPF, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition it is considered that the development would have some impact on the openness of the Green Belt, and the purposes of including land



within it. It is further considered that the proposed static caravans and access/driveways would cause harm to the character and appearance of the surrounding countryside and be of a poor design. It is not considered that the supporting information submitted by the applicant amounts to 'very special circumstances' that outweigh the harm to the Green Belt by reason of inappropriateness or overcome the impact of the development on the character of the area.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Defer pending the expiry of the consultation period on 23<sup>rd</sup> January 2018, and subject to no new material issues being raised by outstanding consultees during that period, authority be delegated to the Assistant Director in consultation with the Chair and Vice Chair to refuse the application for the following reasons:

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the elements of the development that relate to the access, siting of the static caravans and the driveways constitute inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (poor design, and harm to the intrinsic character of the countryside) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflicts with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

2 No special circumstances have been demonstrated that would justify the location of residential development in an unsustainable rural location that will increase car borne activities and is unrelated to services and amenities. As such it is contrary to paragraph 55 of the NPPF.

3 The proposed static caravans are of a poor design that fails to reflect local distinctiveness or the character of this rural area. As such the development is contrary to section 7 of the NPPF, and policy GP1- Design criteria a), and b), of the City of York Draft Local Plan Incorporating the 4th set of changes.

## **7.0 INFORMATIVES:**

### **STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

The Local Planning Authority has taken account of the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. Nevertheless, it was considered that there were fundamental policy objections to the application that could not be addressed by the submission of additional information. Accordingly it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

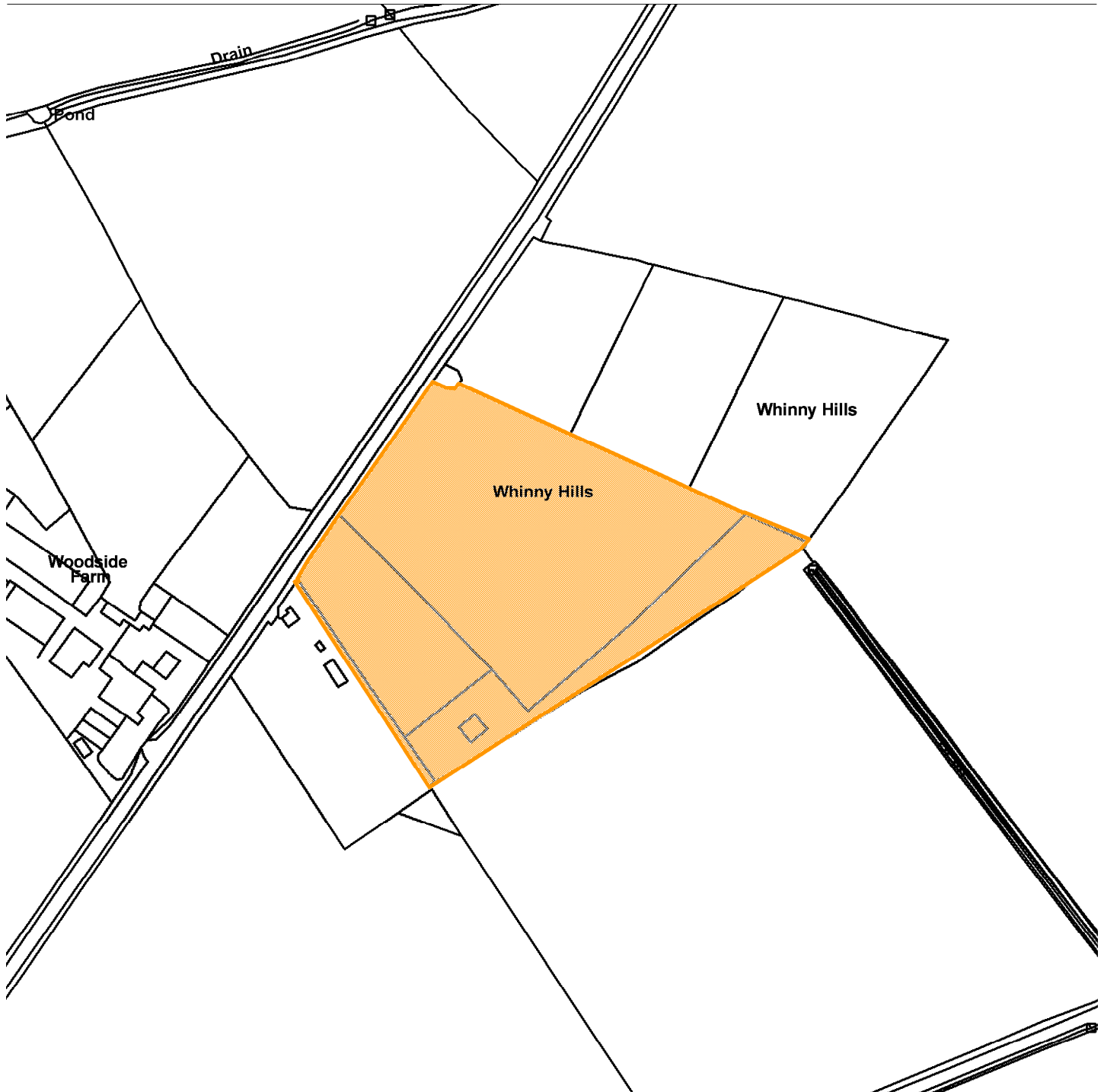
#### **Contact details:**

**Author:** Rachel Smith Development Management Officer

**Tel No:** 01904 553343

17/00342/FUL

Whinny Hills, Appleton Road, Acaster Malbis



Scale : 1:2408

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy and Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	10 January 2018
<b>SLA Number</b>	

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 18 January 2018      **Ward:** Rawcliffe And Clifton  
Without  
**Team:** Major and      **Parish:** Clifton Without Parish  
Commercial Team      Council

**Reference:** 17/02420/FULM  
**Application at:** Land To South East Of Ryedale Caravan Site Green Lane  
Clifton York  
**For:** Erection of three storey 66no. bed care home (use class C2)  
**By:** LNT Care Developments  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 January 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The former Grain Stores, Water Lane, Clifton comprises a large section of a former military airfield to the north of the City Centre with an Outline Planning Permission granted on appeal for a mixed use development ref:- 11/00860 OUTM with the residential element presently in the process of construction. Planning permission is now sought for the erection of a 66 bed care home on land off Green Lane.

1.2 The site is located along Green Lane and is situated immediately adjacent to the existing supermarket and land currently being developed for residential. The care home would be three storeys in height and would be formed in an 'L' shape fronting onto Green Lane with the rear wing running to the rear of the residential properties. The building would be constructed of a mixture of brickwork and render and would be formed with gable ends and pitched roofs. A new vehicular access would be provided adjacent to supermarket with a small area of car parking provided. Extensive landscaped grounds are provided around the building which allows it to be inset from the site boundaries. 66 bedrooms would be provided with a high level of communal space also being provided in the form of cafes, lounges and a cinema.

**2.0 POLICY CONTEXT**

2.1 :City of York Local Plan Deposit Draft 2005

CYGP1 Design  
CYGP4A Sustainability  
CYGP9 Landscaping  
CYH17 Residential institutions

## 2.2 Emerging Local Plan Pre-Publication Draft September 2017

D2	Placemaking
H9	Older Persons
H11	Housing Allocations

## 2.3 National Planning Policy Framework

Paragraph 50 of the NPPF states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

## **3.0 CONSULTATIONS**

INTERNAL

### Adult Social Care

3.1 Support the proposed care home development because:

- It delivers growth in good quality residential and residential dementia care provision for the city, giving life to the City of York Council's Older Persons' Accommodation Programme, as agreed by Executive on 30th July 2015.
- There is a proven need for good quality residential and residential dementia care provision in the city and a current and an anticipated shortage of such accommodation.
- The Rawcliffe and Clifton areas are a good location for additional residential and residential dementia care accommodation as there is currently limited provision of good quality care accommodation in the area.
- It provides a range of communal facilities that promote health and well being, socialisation and independence, such as the cinema, the cafe area and various options for sitting and therefore meeting friends.
- It provides accessible and safe external gardens and terraces which will allow easy walking and strolling, a feature which is very beneficial for people with dementia.

3.2 York has an under-supply of good quality residential and nursing care accommodation. Using national benchmarks, York is currently short of 657 residential and nursing care beds and, because of the anticipated 50% increase in the 75+ population in the city and the expected closure of care homes which are no longer

fit for purpose, it is anticipated that, should no new care homes be built (other than those which currently have planning consent), that shortfall will have risen to 791 by 2020 and 1,473 by 2030.

### Public Protection

3.3 No objections in principle. The site is located adjacent to an existing supermarket and a number of houses and should not suffer from a loss of amenity due to noise. However, there is the potential for noise associated with plant and equipment for the care home, such as air conditioning, kitchen extraction to affect the amenity of nearby residential properties. In terms of delivery noise from deliveries during the operation of the home, eg food deliveries for the kitchen etc, there is also the potential for noise from this to affect nearby residential properties. Conditions are proposed.

3.4 A Geoenvironmental Appraisal (dated September 2017) was submitted with this planning application to build a care home with associated gardens/landscaping, parking and access on part of the former airfield / grain stores site. The report shows that a number of site investigations have previously been undertaken at the site and in the near vicinity. These investigations found a thin layer of made ground, containing low level heavy metal contamination and sporadic asbestos fibres, to be present across the surface of 4 the site. An additional investigation, comprising five additional trial pits and associated soil sampling, was carried out as part of this appraisal and no elevated contaminant levels were detected.

3.5 Given the absence of any significant contamination, the report concludes that a remediation strategy is not necessary. However, it does recommend that the site is cleared of all hardstanding/foundations/structures and that a suitable growing medium is provided in garden and landscaped areas. The report suggests that a 300mm thick layer of imported soil would be sufficient in areas where no topsoil is present. The report also recommends that if any buried drums, oily, odourous or brightly coloured materials are encountered, and further advice should be sought from an environmental consultant. Conditions are proposed.

3.6 Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. As such a condition is proposed requesting an electric vehicular charging point

### Planning and Environmental Management

#### Development Officer

3.7 This site is part of the former Grain Stores site. The land already has an outline permission which includes C2 residential institutions which means that a residential care home in this location is acceptable in principle.

3.8 A SHMA Addendum was undertaken in 2016 and is based on the (2014-based) sub national population projections (SNPP) published by ONS in May 2016. The SHMA provides specific evidence and analysis of the need for different sizes of homes, to inform policies on the mix of homes (both market and affordable). The SHMA also analyses the needs of specific groups within the population, such as older people and students. Based on the findings of the SHMA Addendum (2016), there is a potential need for 32 care home bedspaces per annum in York

### Public Realm

3.9 No requirement or a financial contribution to public open space based on the type of accommodation

### Highway Network Management

3.10 A new access is proposed. Visibility at the proposed site access is in accordance with national guidance and is suitable to serve the level of development proposed. 20 car spaces are proposed. The level of parking has been determined based upon the maximum number of staff on site at any one time and the developers experience of operating other sites. It is not considered that there is likely to be a displacement of car parking onto Green Lane given the level of parking provided within the site.

3.11 The site is one parcel of land which makes up the former Grain Stores site. Outline consent for the Grain Stores site which fully assessed the highway implications of its redevelopment. The level of traffic generated by the care home proposals has therefore already been considered through the outline consent but nevertheless the traffic that could be generated by the proposals is negligible. The site is considered to be sustainably located with local facilities and bus stops served by frequent services within nationally recognised walking/cycling distances. Furthermore the application is supported by a Travel Plan which will further seek to minimise car borne travel.

### Flood Risk Management

3.12 A site wide drainage strategy has previously been agreed on the site. The current application accords with this strategy. The ground conditions do not support the use of infiltration methods of surface water disposal and as such a restricted rate of surface water discharge has been agreed. Conditions are proposed.

## EXTERNAL

### Yorkshire Water Services

3.13 No objections but recommend condition

Application Reference Number: 17/02420/FULM

Item No: 4d



## Neighbours and Publicity

3.14 Two comments received raising the follow concerns:

- The care home would result in the loss of light to gardens to the east
- An 11.9M high pitched roof ridge three story building at this location is inappropriate as it will be much taller than all surrounding buildings. The new two story houses being built by Redrow will be overshadowed by this proposed development
- There is no turning space provided for delivery and service vehicles
- Bus stops are further away from the site than is implied - with no pavement beyond the Water Lane site entrance in a south west direction

## **4.0 APPRAISAL**

4.1 The key issues are:

- Policy background
- Principle of the development
- Design and character
- Amenity considerations
- Highways issues
- Drainage

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. In terms of decision taking, the NPPF advises that this means in those cases where there are no up-to-date Local Plan Policies (such as in York), granting permission unless, either:-

(a) The any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Policies in the Framework as a whole, or

(b) There are specific Policies within the Framework which would indicate that development should be restricted. In terms of this second element, the footnote to Paragraph 14 details the types of considerations which would it considers would fall within this category. There are no elements of this application which fall within the examples given in this Footnote.

4.3 Paragraph 17 sets out the Core Planning Principles. The following are relevant to this application:

- proactively drive and support sustainable economic development to deliver the homes .... that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- support the transition to a low carbon future in a changing climate .... and encourage the reuse of existing resources, including conversion of existing buildings;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made;
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

4.4 The National Planning Practice Guidance (NPPG) (Revision date 01.04.2016) includes a specific reference to housing for older people and states:

The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013).

#### Development Control Local Plan (DCLP) 2005

4.5 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

4.6 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however 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 although it is considered that their weight is limited.

4.7 DCLP policies relevant to the development are:-

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking,

overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme.

- Policy H17 states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions of unimplemented planning permission would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

### Emerging Local Plan

4.8 A new pre-publication draft local plan and revised evidence base is currently at consultation until 30th October 2017.

4.9 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be very limited. However, the evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.10 The following policies from the emerging Local Plan are relevant:-

- Policy D2 'Placemaking' development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, 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 H9 'Older persons' specialist housing' states that developments specifically designed to meet the accommodation needs of older people will be supported where they contribute to meeting an identified need; are well designed to meet the particular requirements of residents; and are in an accessible location by public transport or within walking distance to a range of community facilities or these are provided on-site.

- Policy H1 'Housing allocations'

4.11 The Council's Forward Planning team has advised that the provision of additional care home bed space supports the Local Plan's emerging approach, and reflects evidence from the strategic Housing Market Assessment regarding likely demand due to demographic changes over the period to 2032 and beyond. The involvement of the private sector in delivering such accommodation is further stated in the Council's Older Person's Accommodation Programme and Older Persons Housing Strategy.

4.12 This position is evidenced by information from the Council's Adult Social Care team who state that York has a significant under-supply of good quality residential and nursing care accommodation which will continue to rise if no new care homes are built. This would have a profound and negative impact on the care and health "system" in York, leading to potential delays in people leaving hospital beds, people continuing to live in inadequate accommodation and diminished support for informal carers. It is noted that planning applications have been submitted for care provision at Carlton Tavern, Fordlands Lane, and Abbeyfields, with a further planning application likely to be submitted at Lowfield Green. Notwithstanding these applications, the shortfall of residential and nursing care beds is still projected to be 791 by 2020.

#### PRINCIPLE OF THE DEVELOPMENT

4.13 The application site forms part of the former Grain Store site. Outline planning permission was granted in 2011 at appeal for the development of the site. The approved indicative master plan set out in the general principles of development on the site. Zone A was allocated as residential (Class C3). Zone B as identified to the north of the site included a variety of potential uses, in order to create a sustainable development which relates to the existing residential and commercial surroundings. These included B1(c), C1, C2, and/or D1 uses.

The application site lies within Zone B and as such the development of this site for a carehome (C2) has already been established in principle.

4.14 Furthermore, there is a need for this type of accommodation within the north area of York. York's over 75 population is expected to grow by 50% by 2030 from 17,000 to 26,000. At present the north area of York falls short of the required number of care beds to meet the City's bed planning criteria (11 beds per 100 people over 75) as it currently has just 5 beds per 100 people over 75. If this application is approved the shortfall would improve to 7 beds per 100 people, still short of the required number.

#### DESIGN AND CHARACTER

4.15 The building would be constructed in an 'L' shape running along the frontage and back along the boundary with the residential development. The overall height of the building would be 11.9m with an eaves height of 8.14m. The building has been

designed with slight foreword projecting gable elements to break up the elevation and a mixture of brick, white render and grey cladding is proposed. A communal balcony is proposed to the first floor above the entrance. The main entrance to the building would be located off the car park to the rear of the property.

4.16 The use of contrasting materials breaks up the massing and the main elevations of the property and reduces the bulky appearance. The colour of the materials also reflects the character of the adjacent store and the proposed dwellings adjacent to the site. Whilst the development is higher than the developments to the adjacent plots due to its location away from the site boundaries it is considered that it would not overdominate these neighbouring structures and a degree of separation would be achieved.

4.17 Externally the car parking is located to the rear of the building between the rear off shoot and the adjacent supermarket. As such the area of hardsurfacing and vehicular movement would be located away from the residential properties.

4.18 Soft landscaping is proposed around the whole site. A strip approximately 9.2m would be provided to the frontage which would soften the appearance of the development. Only two bedrooms are proposed to the ground floor on this frontage and both would have direct access into this landscaped area. To the side of the development an area of landscaping is present approximately 13.8m in width. Ten ground floor bedrooms would all have direct access to this area but it would also be available for all of the occupants of the care home.

## AMENITY CONSIDERATIONS

4.19 Concerns have been expressed that the carehome would overdominate the adjacent residential properties and result in overshadowing. As stated a landscaped area is present to the side of the carehome which sides onto the back gardens of the new residential development. As such a distance of approximately 24m can be achieved between the side elevation of the carehome and the rear elevation of the new dwellings. These dwellings lie to the south west of the development. As such there may be a degree of overshadowing to the dwellings closest to Green Lane but this would be limited to the early morning only during winter months and is considered to be to an acceptable level. One objection states that properties to the east would be overshadowed. However, the nearest residential property to the east is over 130m away.

4.20 Amenity for future residents of the care home is considered to be acceptable. All bedrooms are provided with windows to provide good natural light. The provision of a range of communal facilities that promote health and well being, socialisation and independence, such as the cinema, the cafe area and various options for sitting and therefore meeting friends has been provided. In addition accessible and safe external gardens and terraces which will allow easy walking and strolling, a feature which is very beneficial for people with dementia have also been provided.

## HIGHWAY ISSUES

4.21 A proposed new vehicular access would be provided adjacent to the existing supermarket. Visibility at this location is good and meets national guidance and is suitable to serve the level of development proposed. Twenty car parking spaces are proposed which has been determined based upon the maximum number of staff on site at any one time and the developers experience of operating other sites. This level of parking is considered adequate to prevent the displacement of car parking onto Green Lane. Cycle parking is to be provided within a store to the rear of the building.

4.22 Concerns were also raised that there was insufficient turning within the site for delivery vehicles. The applicant has submitted a plan indicating turning within the car parking area which meets the council's requirements.

4.23 The site is one parcel of land which makes up the former Grain Stores site. Outline consent for the Grain Stores site fully assessed the highway implications of it's redevelopment. The level of traffic generated by the care home proposals has therefore already been considered through the outline consent but nevertheless the traffic that could be generated by the proposals is negligible.

## DRAINAGE

4.24 A site wide drainage strategy was approved as part of the original application. A soakaway test has previously been carried out and it has been agreed that the ground conditions do not support the use of infiltration methods of surface water disposal. The nearest watercourse is some 350m away across numerous third party owned land and is therefore not appropriate. As such it has been agreed that the site restricts surface water drainage to a rate of 8 litres per second in line with the site wide strategy.

## 5.0 CONCLUSION

5.1 The provision of a care home on this brownfield site complies with relevant local and national policy. It is considered that the proposal makes good use of the site which is in a sustainable location and will provide much needed older persons accommodation for the city.

5.2 The proposal has been subject to public consultation and officers consider that the design will be a positive addition to the site and that impact on neighbouring residents will be minimal

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

Application Reference Number: 17/02420/FULM

Item No: 4d

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:-

YO305QX-A03-Rev B Site Plan

YO305QX-A04 - Floor Plans

YO305QX-A05 - Elevations

B-05-YO30\_5QX Drainage received 20th December 2017

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

3 VISQ8 Samples of exterior materials to be app

4 HWAY18 Cycle parking details to be agreed

5 One (1) electric vehicle recharge point, serving one dedicated car parking bay, should be installed prior to first occupation of the site. The bays should be marked out for the exclusive use of electric vehicles. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority. Prior to first occupation of the site, the applicant will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

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

6 HWAY21 Internal turning areas to be provided

7 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park

- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be constructed in a manner that will not be to the detriment of the free flow of traffic or safety of highway users

8 Upon completion of the development, no deliveries shall be taken at or dispatched from the site outside the hours of:

Monday to Friday 07:00 to 23:00

Sundays and Bank Holidays 09:00 to 18:00

Reason: To protect the amenity of occupants of the new and nearby properties from noise.

9 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 meter from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014) inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

REASON: To safeguard the amenity of occupants of neighbouring premises

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



Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

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

11 No soil material is to be imported onto the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that imported soil does not pose a risk to future users of the land and the wider environment.

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

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

13 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb, footway and verge; to match adjacent levels.

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

14 HWAY14 Access to be approved, details reqd

15 LAND1 IN New Landscape details

16 HWAY19 Car and cycle parking laid out

17 The premises shall be used only as a Care Home within Use Class C2 and shall not be used for any other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: In order to allow a consideration of the impact of any changes on amenity.

18 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.

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

Surface water discharge to the existing site wide drainage connection shall be no greater than 8 l/sec.

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

20 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. FOOD AND DRINK USES**

As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at

Application Reference Number: 17/02420/FULM

Item No: 4d

public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety, odour extraction etc.

## 2. INFORMATIVE:

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

## 3. INFORMATIVE:

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

Works in the highway - Section 278

## 4. 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought revised information in connection with on site drainage

Sought amendments to improve the relationship with adjacent proposed houses

### **Contact details:**

**Author:** Heather Fairy Development Management Officer

**Tel No:** 01904 552217

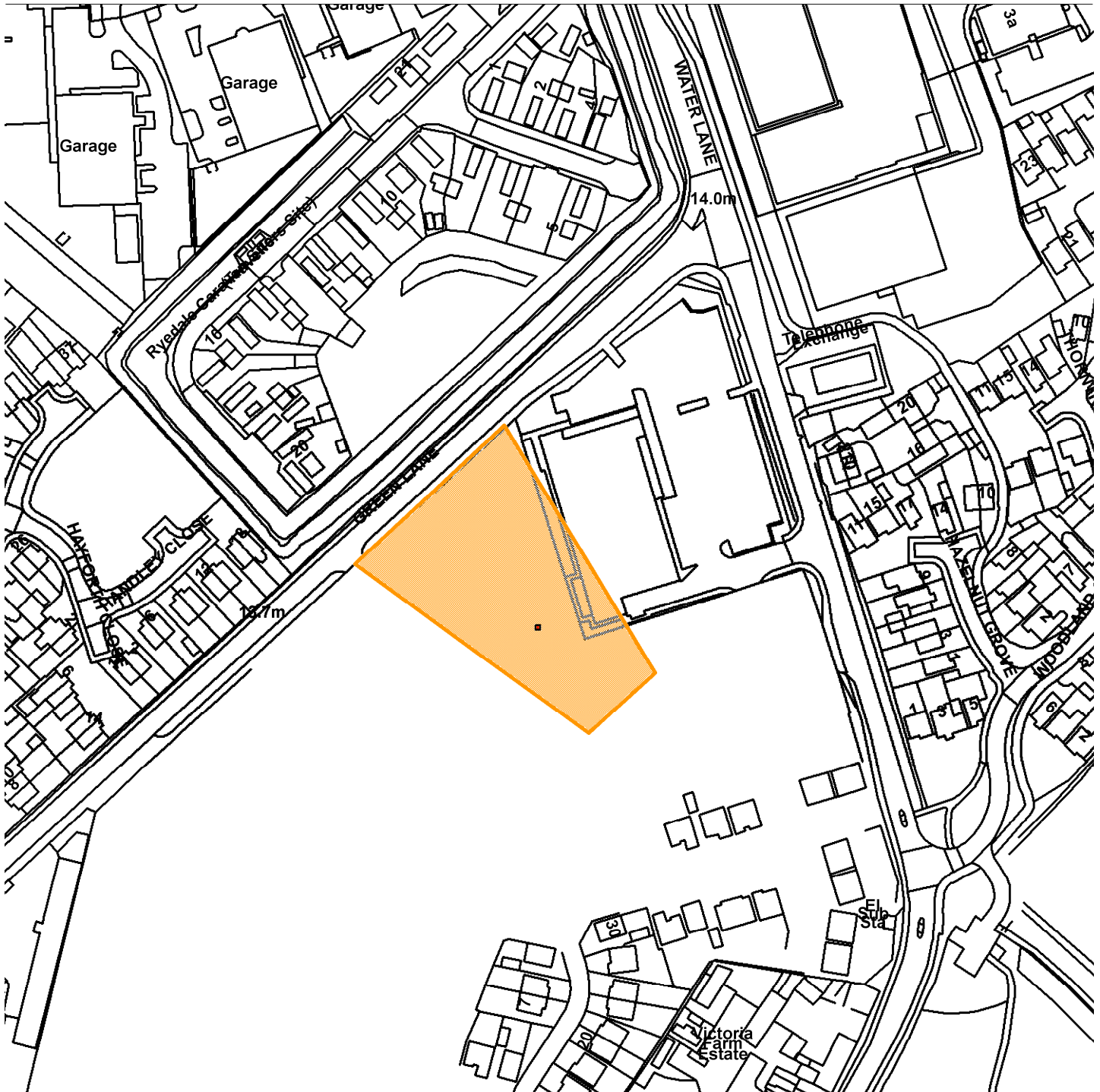
This page is intentionally left blank

17/02420/FULM

Land To South East Of Ryedale Caravan Site, Green Lane, Clifton



GIS by ESRI (UK)



Scale : 1:1887

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy and Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	09 January 2018
<b>SLA Number</b>	

This page is intentionally left blank