



**Notice of a public meeting of  
Planning Committee**

- To:** Councillors Horton, Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, Looker, McIlveen, Funnell, Reid (Chair), Richardson, Simpson-Laing and Warters
- Date:** Thursday, 19 March 2015
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

Would Members please note that the mini-bus for the Site Visits for this meeting will depart Memorial Gardens at 10:00am on Tuesday 17<sup>th</sup> March 2015.

**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 3 - 16)

To approve and sign the minutes of the meeting of the Planning Committee held on 19<sup>th</sup> February 2015.

## 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 **5pm on Wednesday 18<sup>th</sup> March 2015**. 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 this meeting will be filmed and webcast and that includes 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, i.e. 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/downloads/download/3130/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings](http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings)

## 4. **Plans List**

This item invites Members to determine the following planning applications:

### a) **2-14 George Hudson Street, York , YO1 6LP (14/01383/FULM)** (Pages 17 - 44)

A major full application for the change of use from offices (use class B1) to student accommodation comprising of 58 self contained units with associated facilities including shop, cycle store, managers office, communal lounge, gym and laundry. A new shop front to the proposed entrance on the George Hudson Street elevation. [Micklegate Ward] [*Site Visit*].

- b) 2-14 George Hudson Street, York, YO1 6LP (14/01384/LBC).**  
(Pages 45 - 56)

A listed building consent application for internal and external alterations in connection with change of use from offices to student accommodation.  
[Micklegate Ward] *[Site Visit]*.

- c) Del Monte Site, Skelton Park Trading Estate, Skelton, York (14/01478/OUTM)** (Pages 57 - 110)

A major outline application for a residential development for up to 60 dwellings. [Skelton, Rawcliffe and Clifton Without Ward].

- d) Naburn Lock Caravan Park, Naburn, York (14/02806/FULM)**  
(Pages 111 - 120)

A major full application for the change of use of land for touring caravans with associated amenity building, gas compound and bin store.  
[Wheldrake Ward] *[Site Visit]*.

- e) Naburn Lock Caravan Park, Naburn, York (14/02807/FULM)**  
(Pages 121 - 128)

A major full application for the variation of condition 6 of permitted applications 8/06/59P/PA and 8/06/59L/PA to allow all year round use of touring caravans and tents. [Wheldrake Ward] *[Site Visit]*.

- f) Teaching Building, Spring Lane, Heslington, York (15/00040/FULM)**  
(Pages 129 - 140)

A major full application by the University of York for the construction of a three storey teaching building (use class D1) following demolition of an existing building. [Heslington Ward] *[Site Visit]*.

- g) York Grain Stores (15/00121/REMM)** (Pages 141 - 150)

A major reserved matters application for the approval of appearance, landscaping, layout and scale for 215 dwellings following the grant of outline permission 11/00860/OUTM. [Skelton, Rawcliffe and Clifton Without Ward] *[Site Visit]*.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@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

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**

**PLANNING COMMITTEE****SITE VISITS****Tuesday 17<sup>th</sup> March 2015.**

<b>TIME</b>	<b>SITE</b>	<b>ITEM</b>
<b>10:00</b>	<b>Coach leaves Memorial Gardens</b>	
<b>10:10</b>	<b>Former Grain Stores, Clifton.</b>	<b>4g</b>
<b>10:50</b>	<b>Naburn Caravan Park.</b>	<b>4d &amp; 4e</b>
<b>11:25</b>	<b>Spring Lane Heslington.</b>	<b>4f</b>
<b>12:00</b>	<b>2-14 George Hudson Street.</b>	<b>4a &amp; 4b</b>

This page is intentionally left blank

City of York Council

Committee Minutes

---

Meeting	Planning Committee
Date	19 February 2015
Present	Councillors Galvin (Vice-Chair), Ayre, Boyce, Burton, Cuthbertson (Substitute), D'Agorne, Doughty, King, Looker, Merrett (Substitute), Funnell, Reid (Chair), Richardson, Riches (Substitute), Simpson-Laing and Warters
Apologies	Councillors Horton, Crisp, Firth and McIlveen

---

**47. Site Visits**

Site Visit	Reason for Visit	Members Attended
4b Fulford School	To enable members to familiarise themselves with the site.	Boyce, Galvin, Funnell, King, D'Agorne, Watson, Warters and Reid.
4c&d St Josephs Convent, Lawrence Street.	To enable members to familiarise themselves with the site.	Boyce, Galvin, Funnell, King, D'Agorne, Watson, Warters and Reid.
4e Biology Department, University of York.	To enable members to familiarise themselves with the site.	Boyce, Galvin, Funnell, King, D'Agorne, Watson, Warters and Reid.

**48. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Looker declared a personal and prejudicial interest in agenda item 4b, Fulford School as Cabinet Member for Education, Children and Young People.

**49. Minutes**

Resolved: That the minutes of the last meeting held on 22<sup>nd</sup> January be approved and signed by the Chair as a correct record.

**50. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**51. Plans List**

Members then considered five reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**51a Ivy House Farm, Hull Road, Kexby, York, YO41 5LQ (14/2008/FULM)**

Consideration was given to a major full application for the erection of a wind turbine (maximum height to blade tip 78 metres) with associated access tracks, crane pad, sub station building, underground cabling and temporary construction compound.

Officers gave a brief update to advise that since the Committee Report was prepared and published a further letter of representation has been received objecting to the proposal on the grounds of impact on the open character of the Green Belt and the habitat of rare birds of prey.

Lynn Wilmore had registered to speak as a Local Resident. She raised concerns about the potential for low frequency noise and the impact this could have on residents. She felt that the noise assessment had not gone far enough and the appropriate limit would be breached at the nearest noise sensitive property.

Fergus Wilmore had registered to speak as a Local Resident. He advised that turbines were not suitable for flat land and



raised concerns about the potential for strobing effects from the reflection as the blades rotate.

Mrs Ward had registered to speak as a Local Resident. She advised that the turbine would have far reaching consequences for Kexby and Dunnington and queried why this site had been chosen when it wasn't viable in terms of wind speed. She felt that none of the residents concerns had been fully addressed by the applicant.

John Ray spoke as a Local Resident and as the County Mammal Recorder. he raised concerns about the impact of the turbine on wildlife in the area, in particular on Owls and Bats. The applicants bat survey had focused on numbers of bats in the area rather than the impact on individual bats and the fact there is evidence from other areas of the UK that turbines are harmful to bats.

Marianne McCallum spoke as the applicants agent. She advised that the Government applies significant weight to renewable energy resources and York as an area is underperforming in terms of renewable energy and the turbine offers an opportunity for York to play a part. In her opinion the proposed location of the Green Belt would not impact on the rural setting and there had been no issues identified relating to ecology or radiation.

Julian Sturdy MP spoke to advise that the National Planning Policy Framework advises against wind turbines being located within Green Belts. In relation to very special circumstances and the financial viability of the farm, no information had been supplied by the applicant relating to this, nor any information to suggest other options had been considered such as solar energy sources which may be less prominent.

Councillor Brooks had registered to speak as Ward Member. She advised that the turbine would be a blight to one of York's important green corridors. She referred to a nearby nature reserve and rare birds such as buzzards that may be harmed. She pointed out that the nearest property to the turbine would be 700m away and that Scotland does not allow turbines within 1km of property and that there must be a reason for that.

Members queried a number of points as follows:

- The likely impact of noise from the turbine upon local residents. The Council's Environmental Protection Officer

spoke in depth to provide Members with information on acceptable noise levels at night and advised that if noise was a problem it could be dealt with by way of condition.

- Further details regarding the Ministry of Defence response to the application. Officers advised that the MOD had agreed that conditions could be imposed to ensure any impact from the turbine be adequately mitigated.
- The risk to health from strobe and flicker caused by turbines. Officers confirmed that this is an area which is still being studied but it is understood that measures such as matt paint can help prevent it.

Members entered debate and made the following comments:

- Concerns about setting a precedent for turbines in the Green Belt.
- It was acknowledged that York does need renewable energy supplies but it was questioned if this was the right location for a turbine.
- Although a number of objections had now been overcome since the application was deferred, the turbine is still close to property and the officers advice is to refuse due to the green belt location.
- The reasons for refusal since the application came before the committee previously, still remained.

Resolved: That the application be refused.

Reason: The proposal constitutes inappropriate development within the Green Belt and is therefore by definition harmful to the openness of the Green Belt contrary to paragraph 91 of the National Planning Policy Framework and Policy GB1 of the Draft 2005 York Development Control Local Plan . It would furthermore cause serious harm to the purposes of including land within the Green Belt specifically the safeguarding of the setting of the historic City and the prevention of encroachment upon open countryside by virtue of its extreme height and solid engineered urbanised appearance.

**51b Fulford School, Fulfordgate, York, YO10 4FY  
(14/02167/GRG3).**

Consideration was given to a general regulations application for the erection of a two storey classroom block and single storey sports hall and changing rooms.

Officers gave an update to the committee report, full details of which are attached to the online agenda for this meeting, the main points were as follows:

- An additional condition requiring a formal pre-design BREEAM assessment for the design and procurement stages of the development.
- Details of the Community Use Policy for the proposed Sports Hall.
- Two further letters of support had been received and one in objection.
- Further representations had been received from Fulford Parish Council expressing concern in respect of the proposed access from the Germany Beck development and the need to ensure it is constructed in a timely fashion.

Mr Gamston spoke as a Local Resident. He advised that he lived near to the entrance of Fulford School and the school has doubled in size in comparison to when it was first built but no other access arrangements have been made. He asked that officers look into the possibility of reserving the necessary land to implement an access road from the Germany Beck site to the school.

John Haewood spoke on behalf of himself and other residents. He raised concerns about residents not being consulted on the plans in good time. He advised that although residents support the school, he asked that obscure glazing be installed in the higher floors of the teaching block as this would be appreciated by residents.

Mark Ellis, Principal Education Officer spoke on behalf of the Council. He advised that the Council has a responsibility to ensure there are enough school places and the expansion of the school was necessary in order for pupils within the catchment to get a place.

Lorna Savage spoke as Head teacher at the school. She advised that additional capacity was required as currently not all pupils can be accommodated at the site for PE lessons and as a result teaching time is being lost as pupils travel between the University and the school to access facilities. She advised that there are 7 points throughout the school week where the school is operating at maximum capacity.

David Ashton spoke as Chair of the School Governors. He advised that the school had contacted residents about the plans as soon as it was clear that funding for the improvements had been agreed. Discussions had taken place with the Ward Councillor and the Parish Council and access from the Germany Beck site is being offered.

Mary Urmston spoke on behalf of Fulford Parish Council. She advised that the Parish Council was sympathetic to the schools desire to expand but considered that the proposed sports hall building is very large and nothing in the plans suggested that the conservation area had been taken into account. The Parish Council supported Fulfordgate residents in their comments about the need for an additional access road.

Councillor Aspden spoke as Ward Member. He advised that the comments attributed to him in the committee report related to the first application submitted last year by the school and were not based on the current plans. He reiterated his support for the school and recognised that improvements were necessary. He welcomed the inclusion of a number of planning conditions, including protection for residents against any lighting scheme, ensuring any materials and finishes for the Sports Hall design are appropriate, the community use of the Sports Hall, a bond to support the regulation of parking in the area if necessary and a protected alignment to ensure no unauthorised development on the space earmarked for an access road from Germany Beck into the school site.

Members queried a number of points as follows:

- The issue of an access road from Germany Beck and the impact on trees. Officers confirmed that the road, if it was to go ahead, would require a separate access planning application.
- Lighting in the car park and whether it would be possible to provide re-active lighting so that lights were not on

overnight when the sports hall was not in use. It was confirmed that a condition could be added to require details of lighting.

Members entered debate and were supportive of the application subject to conditions being agreed on lighting and hours of use for the Sports Hall.

Resolved: That the application be approved.

Reason: Although Fulford Parish Council considers that the proposal should have been screened under the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations, as in their view the development falls within Schedule 2, as the development is less than 0.5 hectares, it falls below the minimum threshold and the development is not within a defined sensitive area, therefore screening under the 2011 Regulations is not required.

Both the teaching block and the sports hall elements of the proposal are modest in scale and would not give rise to any material harm to residential amenity. At the same time they reflect the existing pattern of scale and massing adopted at the School and would not give rise to any issue of harm to the visual amenity of the wider street scene. Concern has been expressed in respect of the prospect of increased harm from on-street parking and traffic generation in adjoining side roads. A detailed Transport Statement has however been submitted with the proposal which clearly demonstrates that there would not be a material increase in traffic and on-street parking over and above the existing situation, a view supported by the Highway Authority. A link road to the Germany Beck residential development to the south has previously been discussed but does not form part of the present application although a potential route

has been reserved. The application is considered to be acceptable.

In terms of any impact on the Germany Beck residential development, the school development proposal does not prevent a link road in the future, and meets highway standards on its own merits. It is therefore considered to be acceptable. Overall any impacts on the school proposal arising from the residential development on Germany Beck, and vice versa have been examined and found to be within acceptable levels. The proposal is felt to be acceptable in planning terms and approval is therefore recommended.

**51c St Josephs Convent, Lawrence Street, York, YO10 3EB (14/02404/FULM).**

Consideration was given to a major full application for the conversion, part demolition and extension of existing convent buildings and the erection of 14 three and four storey buildings to provide student accommodation with vehicle access to Lawrence Street.

Officers provided an update to the committee report, full details of which are attached to the online agenda for this meeting, the main points were as follows:

- Further information on students and car ownership and the legality issues of not allowing private car ownership.
- Landscape officer comments on trees for removal.
- Further comment on the access arrangements to the cemetery for the Nuns to confirm they are happy with the proposals.

Natasha Rowland spoke as the agent on behalf of the applicant. She circulated a document to show the intended finish of the buildings. She advised that the Diocese chose the applicant as the preferred developer due to the sympathetic proposals put forward and the nuns have been fully consulted. The student accommodation would be comfortable, practical and high specification. Intensive consultation had been carried out with

Officers and English Heritage. The aim of the proposals was to create a car free environment but to address concerns a travel plan and management plan had been produced with a heavy focus on discouraging student to bring cars. Trees and orchard retained. Conversion of listed buildings with minimal intervention.

Councillor Watson spoke to advise that too many student units were being approved in the city and raised concerns about the impact of the materials being used upon the listed building. He also asked that if possible, a separate entrance be put in place for the nuns to access the cemetery as they were unlikely to object to the current plans themselves.

Members queried a number of points as follows:

- Some Members queried why an additional pedestrian and cycle refuge was not being provided at the front of the site.
- Whether any units would be provided for families within the site. The applicants agent confirmed that some units are larger and that this could be looked at.
- Some Members agreed with Councillor Watsons' comments that the nuns may not be fully happy with the current arrangements for access to the cemetery and asked if the applicant could re-visit the access situation if current circumstances surrounding the land ownership changed. It was confirmed this could be done.

Members entered debate and made the following comments:

- The application was positive in terms of use and would help towards easing the pressure on local housing.
- Some Members had concerns about access and egress into the site on Lawrence Street and considered that slow moving cyclists and pedestrians would need something in the middle of the road to aid them.
- Members were pleased to see a sympathetic design in keeping with the history of the site.
- Some Members felt that the proposed cladding being used within the scheme was not sympathetic to the historic surroundings and that better access to the cemetery was required for the nuns, despite the applicant stating that the nuns were happy.

Following further discussion it was moved and seconded to approve the application subject to further plans to address concerns raised by members regarding cycle and pedestrian access and egress on to Lawrence Street. When put to the vote this motion was carried.

Members also noted that the applicant was agreeable, by way of informative, to investigate further the access arrangements to the cemetery for the nuns once land ownership issues were resolved.

Resolved: That officers be given delegated authority to approve subject to revised plans to address traffic concerns raised by members.

Reason: The site is classed as previously developed land and within a sustainable location. There is a demonstrable need for the type of housing proposed and therefore according to national planning policy, there is a presumption in favour of the proposed development, subject to a satisfactory impact on heritage assets. The scheme should be approved unless the development is deemed to be unsustainable.

The proposed development would be of good quality; fit for purpose, sustainable (achieving a BREEAM rating of very good), and sensitive to heritage assets (the impact on listed structures would be acceptable) and biodiversity. The application has a level of detail which demonstrates the scheme is based upon a comprehensive understanding of both the history of the site and its landscape values, and the development proposed is distinctive and harmonious with its setting. There is adequate mitigation for any impact on biodiversity. There would be no conflict with planning policy and no undue effects, in particular upon residential amenity and the highway network. Approval is recommended.



**52. St Josephs Convent, Lawrence Street, York, YO10 3EB (14/02405/LBC).**

Consideration was given to a listed building consent application for internal and external alterations to Convent buildings to provide student accommodation and ancillary facilities with the erection of a two storey extension to the infirmary wing.

This item was considered in conjunction with related agenda item 4c.

Resolved: That the application be approved.

Reason: The proposals reasonably preserve the heritage assets on site; the convent buildings and the boundary walls. The alterations proposed have a low impact, which is outweighed by the overall benefits of the proposals. The proposals are compliant with the National Planning Policy Framework in this respect.

The site has been marketed and other interested parties proposals, such as private housing, did not include re-use of the convent building. The proposals within this application retain the listed buildings on site and give them a new use which is consistent with their conservation and in the interests of their long-term viability. The new buildings proposed would reasonably retain the landscaped setting and provide new development which is of high quality and respectful of its context.

In consideration of the proposals the Local Planning Authority has given adequate consideration to the requirements of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**52a Biology Department, Wentworth Way, University of York (14/02881/FULM).**

Consideration was given to a major full application for the erection of a three storey building for the biology department at the University of York.

Philip Holmes had registered to speak as the agent on behalf of the applicant. He advised the proposed scheme was for a bio-medical and natural sciences building which would replace the current departmental building which dates from the 1960s. Views from Walmgate Stray would not be obstructed and trees would be retained at the site. He acknowledged that 88 parking spaces would be lost.

Officers gave an update to the committee report, full details of which are attached to the online agenda for information, the main points were as follows:

- The Council's Environmental Protection Unit had provided a consultation response and suggested a number of additional conditions.
- Heslington Parish Council had confirmed they do not object to the application.
- The site layout had been amended to deal with concerns in terms of impact upon trees.

Members questioned a number of points, in particular the loss of 88 parking spaces in relation to 40 new jobs being created. The agent confirmed that the University would monitor the parking situation for both cars and cycles and would provide more spaces if there was a need. The University was also intending to renew its travel plan over the summer. In response to concerns raised by Members about landscaping and the impact on trees, it was reported that following a revision to the site layout since the committee report was prepared, the Council's landscape architect was now satisfied with the scheme.

Members entered debate and commented that they recognised the important work being carried out at the University and providing the landscaping issues were addressed with conditions they were happy to approve the application.

Resolved: That the application be approved subject to the conditions detailed in the report and update to the committee.

Reason: The current Biology Department comprises a mix of single storey CLASP concrete panel buildings with more recently constructed curtain wall clad buildings including Biological Sciences Phase 1 directly to the south. Planning permission is sought for the erection of phase II of the expansion of Biomedical and Natural Sciences to the north west of the main complex. It would be linked to phase 1 by a high level bridge and it would reflect the same pattern of scale, massing and palette of materials. It is felt that the proposal would not have an adverse impact upon the visual amenity of the wider street scene and that it would not have an adverse impact upon the setting of Walmgate Stray. The proposed building would furthermore form an additional component of the wider programme to improve the quality and range of Science teaching and research at the University in order to develop it further as a centre of excellence.

Following the receipt of revisions to address the issues raised by the Landscape Architect, the proposal was therefore felt to be acceptable in planning terms.

### **53. Appeals Performance Update**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2014, and which provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date was also included in the report.

Resolved: That the report be noted.

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 A Reid, Chair

[The meeting started at 4.30 pm and finished at 8.10 pm].

**COMMITTEE REPORT**

**Date:** 19 March 2015                      **Ward:** Micklegate  
**Team:** Major and                              **Parish:** Micklegate Planning  
                    Commercial Team                              Panel

**Reference:** 14/01383/FULM  
**Application at:** 2 - 14 George Hudson Street York YO1 6LP  
**For:** Change of use from offices (use class B1) to student accommodation comprising 58 self contained units with associated facilities including shop, cycle store, managers office, communal lounge, gym and laundry. A new shop front to the proposed entrance on the George Hudson Street elevation.  
**By:** Forshaw Land And Property Group  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 15 September 2014  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application is for the change of use of the upper floors to 85 no. studio flats for students, together with communal areas such as common room, gym and laundry facilities. The ground floor would have a manager's office, cycle storage, and refuse bin storage. The main entrance to the student flats would be from the George Hudson Street elevation. The proposals include altering the entrance to the George Hudson Street elevation to create a separate access to the residential accommodation. A retail unit is proposed at ground floor level, with an entrance proposed from George Hudson Street. The site was previously used as offices.

1.2 The building is grade II listed. The application site is within the Central Historic Core Conservation Area and an Area of Archaeological Importance. The building is within Flood Zone 2, with a small corner of the building and the car park to the rear within Flood Zone 3. There are a significant number of listed buildings neighbouring the site.

1.3 The number of proposed flats has increased from 55 to 58. The application was initially submitted without elevations. A number of revised plans have been submitted following the identification of a number of errors in subsequent plans. In addition further supporting information has been submitted which accounts for the length of time the application has taken to come before Committee. A new entrance to the proposed retail unit was recently included on the plans.

1.4 Pre-application discussions with Council Planning Officers took place regarding the principle of development on the site. However no statement of community involvement has been submitted or other information regarding details of community

engagement and the agents have confirmed that no pre application community consultation was undertaken.

### 1.5 Relevant site history:-

14/01384/LBC - Internal and external alterations in connection with change of use from offices to student accommodation - Pending

05/00710/FULM - Conversion of first second and third floors into 34 flats (re-submission) - Refused on the following grounds:

- Loss of good quality office accommodation
- The proposal relates to a Grade II listed building which is located in an area where there are significant levels of noise, air pollution and public nuisance. Not demonstrated that adequate measures could be incorporated into the development to ensure that an acceptable standard of amenity could be provided for future residents of the accommodation. In addition, insufficient information was provided in order to enable a detailed assessment to be undertaken of the impact of these measures on the character and appearance of the listed building.
- No affordable housing

04/01733/FUL - Conversion of first, second and third floors into 34 flats – Withdrawn

## **2.0 POLICY CONTEXT**

### 2.1 2005 Draft Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Floodzone 2 GMS Constraints: Floodzone 2

Listed Buildings GMS Constraints: Grade 2; 17-22 George Hudson Street York YO1 1LP 0108

### 2.2 2005 Draft Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYSP7B York City Centre and Central Shopping Area

CYSP8 Reducing dependence on the car

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP4B Air Quality

CYGP12 Access to upper floors

CYGP13 Planning Obligations

CGP15A Development and Flood Risk

CYGP16 Shopfronts  
CYNE6 Species protected by law  
CYHE2 Development in historic locations  
CYHE3 Conservation Areas  
CYHE4 Listed Buildings  
CYHE6 Shopfronts in historic locations  
CYT4 Cycle parking standards  
CYT13A Travel Plans and Contributions  
CYH4A Housing Windfalls  
CYH11 Conversion of upper floors to housing  
CYH12 Conversion of redundant offices  
CYH17 Residential institutions  
CYE3B Existing and Proposed Employment Sites  
CYED10 Student Housing  
CYL1C Provision of New Open Space in Development  
CYSP6 Location strategy  
CYSP10 Strategic Windfalls

### 2.3 Emerging Local Plan Policy (Draft Publication Plan 2014)

DP1 York Sub Area  
DP2 Sustainable Development  
DP3 Sustainable Communities  
SS1 Delivering Sustainable Growth for York  
SS4 York City Centre  
EC1 Provision of Employment Land  
EC3 Loss of Employment Land  
R3 York City Centre Retail  
H2 Density of Residential Development  
H3 Balancing the Housing Market  
H7 Student Housing  
D3 Extensions and Alterations to Existing Buildings  
D4 Conservation Areas  
D5 Listed Buildings  
D11 Shopfronts  
G16 New Open Space Provision  
CC2 Sustainable design and Construction  
ENV1 Air Quality  
ENV2 Managing Environmental Quality  
ENV4 Flood Risk  
T1 Sustainable Access

### 2.4 NPPF

7 – 14, 17, 18 – 22, 23, 32, 35, 47, 49 – 51, 56 – 58, 60 – 61, 63 – 64, 66, 69 – 70, 73, 93 – 100, 120, 123 – 124, 126, 128 – 129, 131 – 138, 140 - 141

### 3.0 CONSULTATIONS

#### INTERNAL CONSULTATIONS

Highway Network Management - No objections. States:-

3.1 Vehicular access to the site is available from Tanner Row and North Street. These existing access points will be retained and provide access to limited car parking which will be used by site management staff and disabled residents.

3.2 The peak demand for car parking will be generated during the term time start/end periods as students arrive and leave. During these periods car parking areas within the site will be used for temporary car parking for loading/unloading. A management plan is also to be implemented which will ensure that the units are occupied/vacated in a staggered approach in order to further minimise and manage the number of cars entering the site. Information supplied by the applicant indicates that this may be achieved through a booking system where students have to book a time slot in which to move. Such an approach has been previously agreed by the authority at other student sites on Navigation Road, Hallfield Road and Lawrence Street. Once vehicles have been loaded/unloaded they will need to leave the site and alternative car parking is available at a number of locations within a short walk, including the adjacent NCP on Tanner Row.

3.3 Surrounding streets are protected by various waiting restrictions, which will reduce the potential for indiscriminate parking.

3.4 Covered and secure cycle parking (30 spaces) has been provided within the building. Cycle parking provision is at 50% of the CYC Annex E maximum standards, which compares favourably with recently approved schemes at Navigation Road, Hallfield Road and Lawrence Street where 50% provision has been approved. This is considered to be a realistic level of provision however the supporting Travel Plan indicates that there is scope for further cycle parking to be provided within the site if demonstrated to be necessary in the future.

3.5 The site is located within the city centre with its associated local facilities. A large number of bus stops served by high frequency services are also within a short distance of the site and as such the site is highly sustainable.

3.6 Request following conditions; Hwy 18 (car & cycle), Travel Plan

Environmental Management (Conservation)

3.7 The submission of elevation drawings illustrating the rear elevation of the Tanner Row range is welcomed.



3.8 The proposed additional soil vent pipes, flues and vents on this elevation will not be overly intrusive; the alterations can be supported. Internally, the proposed suspended ceilings replace existing suspended ceilings. No cornices or other architectural features were found during earlier inspection by Donald Insall Associates. This alteration results in no impact on the special interests of the building

3.9 Now proposed to introduce raised floors over parts of the first floor. Arguably at this late stage, a new listed building consent application could be required by the local planning authority. However with the exception of parts of the range facing Tanner Row, there are no historic fittings or finishes which will be affected. In the Tanner Row range, some historic joinery remains in situ; the raised floor would have to be designed to avoid physical damage to the existing joinery. Presumably the raised floor would sit above the skirting, which it is presumed will remain in situ. Large scale cross section drawings will be required to illustrate this point. The floors should scribe round any other remaining historic joinery.

3.10 Request conditions including: full schedule of proposed alterations; full details of proposed service routes; full details of design, scale and materials for all inlet/outlet vent covers; No permission hereby granted for any alterations to windows or window openings; Indicative cross section through internal window reveal illustrating secondary glazing at 1:5; Vertical cross section through proposed front doors and glazed side lights at 1:5; Indicative cross section through raised floor and skirting at 1:2 (affects rooms to Tanner Row range only); New floors should scribe round, not cut through architraves, panelling, or other historic joinery (where present); further details of the proposed suspended ceiling.

Environmental Management (Sustainability) - No comments received

Flood Risk Management Team - No objections

Environmental Protection Unit - Object. States:-

3.11 Principal concerns relates to the potential impact that the noise levels could have upon the amenity of residents of the proposed student flat during the night time periods as a result of loud impact noises.

3.12 Leq values, or average values over a specified time period, were measured as 66dB(A) during the day and 62db(A) during the night. These figures are almost identical to figures measured by EPU in 2007 at the same location where values of 66dB(A) during the daytime and 63dB(A) at night time were recorded.

3.13 As a result of this satisfied that the Council's internal noise criteria of 35dB(A) Leq 16 hour (07:00 to 23:00) and 30dB(A) Leq 8 hour (23:00 to 07:00) is achievable using the proposed Pilkington Glass window construction of 10mm-200mm-6mm, with a sound reduction level of 49dB  $R_w$  or 45dB  $R_{tra}$ .

3.14 Concerns regarding the Lmax values associated with external noise sources such as traffic, pubs, clubs, people noise etc the applicant previously provided information on the Lmax levels measured during the monitoring period. The submitted noise report suggested that the worst case free field maximum noise level associated with the noise sources was 85dB(A) as a free field external level. Following further interrogation of the data it was found that 85dB(A) level was actually exceeded 8 times on the Friday night and 15 times on the Saturday night, with the maximum measured noise level of 94.4dB(A).

3.15 Noise monitoring undertaken by EPU in 2007 found that external noise levels at the same location during the night were up to 96dB(A) with 16 events during a Friday night being greater than 85dB(A) described within the application.

3.16 Assuming that the proposed theoretical sound reduction associated with the proposed glazing were the same in situ then internal levels of up to 47dB(A) as a Lmax event could be experienced. There are concerns regarding the difference between theoretical and real levels of sound reduction, as this would make a huge difference on whether or not the scheme was acceptable.

3.17 Have concerns about low frequency noise during the night time which may possibly be associated with noise from Club Salvation. Additional information on noise levels over one minute periods at night time were provided for the 63 and 125Hz frequencies, and showed that the highest measured sound levels were 85.3 dB and 84.3 dB externally in free field conditions. At these frequencies the proposed glazing will provide attenuation of 30dB for 63Hz and 35dB for 125 Hz. This would therefore equate to internal levels of 55.3dB and 49.3dB. When assessed against a noise rating curve these internal levels would equate to a rating curve NR of 31, compared to the normal standard of 25 for a private bedroom. Again the number of occasions in any one evening where this would occur is limited to between 7 and 14 events.

3.18 The agent has recently advised that further attenuation from the window may be achieved through the provision of absorption in the window reveals to the windows in the property and thereby ensure that the 45dB(A) Lmax value would not be exceeded. Requested that this additional information be provided as well as validation of in-situ results. (*Officer note – at the time of writing the report this information had not been submitted*). Should this show that the Council's internal noise standard, which is based on the WHO guidelines on community noise and BS8233, can be achieved then would no longer have any objection to the proposals on noise grounds, but would request that the a condition be attached to any approval in relation to internal noise levels.

Economic Development Unit – Object. States:-

3.19 The City of York Key Sites report, authored by GVA, outlines the need for high quality office space in the city centre, and given the development site constraints provided by surrounding green belt land and the city walls/street layout, cannot afford to lose offices in such a prime location to another use.

3.20 There is currently a reliance on pre-let development owing to an inability to attract speculative development in the near future, with page 26 and 28 of the Centre for Cities Report (Making the Grade, May 2012) highlighting the need for developers to see "the potential returns associated with refurbishing existing space".

3.21 Question why agent has dismissed enquiries that do not specify size or specification. Applicant/Agent makes a presumption of no interest in enquiries searching for less than 28,000 sq ft. Contradicts the marketing material which states that "offices can be made available either as a whole or in floors/suites, to suit occupier requirements"

3.22 2-4 GHS marketing material says "upper floors to be refreshed as quality, self-contained student accommodation". In addition, the freehold marketing literature refers to "potential for hotel, residential and student residential development"; and provides information on mileage to York St John University. Wording of this literature presuming too much and dissuading from office use?

3.23 Request evidence for the demand for student accommodation in this area

Public Realm

3.24 As there is no on-site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used at a local site such as North Street Gardens or a closed churchyard. (b) play space - not required as 1 bed flats (c) sports pitches - would be used to improve a facility within the West or South Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula.

Planning and Environmental Management – Object. States:-

3.25 Under Policy E3b there is a presumption in favour of retaining existing and proposed employment sites, unless it can successfully be demonstrated that the site is not needed for employment use. Should the loss of employment land be considered acceptable by colleagues in EDU would support the principal of student housing development in this location provided that colleagues in design and conservation consider the impact of the proposals on the historic environment to be acceptable.

3.26 Should planning permission be forthcoming we consider, as has been best practice with other applications for student housing, that a suitably worded condition be attached to ensure the development remains occupied in perpetuity by students only. Without such a condition the situation may arise that non students occupy the properties and as such, it would be necessary to negotiate the provision of affordable housing on the site.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Police Architectural Liaison Officer

3.27 The site is within an area of high risk in respect of crime and disorder

3.28 The applicant has provided no detail to demonstrate how crime prevention has been considered in respect of this proposal.

3.29 The most important security considerations will be i) access control and ii) the security of the rear area.

3.30 It is important that the doors leading into this development from Tanner Row are used for emergency use only. These doors are located immediately next to Salt & Peppers Takeaway, where large groups of people tend to congregate, particularly at the weekend, many under the influence of alcohol.

3.31 It is vital that the gates that give access to the rear parking area from Tanner Row, are controlled and kept locked, as at present. Evidence of discarded drug paraphernalia, in the covered passageway at the time of the site visit.

3.32 The flat roof over the ground floor shops/restaurants, will give access to vulnerable first floor studio windows. It is therefore strongly recommended that if existing windows at this level are to be replaced, then they should be replaced with windows meeting a good security standard, ideally, BS PAS 24. In addition the windows must be fitted with opening restrictors.

3.33 The rear area must be well lit and covered by CCTV. CCTV must be fitted to provide coverage of all the entrances into the building, including internal stairwells. Cameras should be positioned to provide a clear head and shoulders (facial recognition) shot of persons within the building.

3.34 Access control arrangements should be incorporated at all entrance doors in order to prevent unauthorised entry, e.g. keyfob entry system. Tailgating can be a problem at student accommodation hence the reason why CCTV coverage is crucial.

3.35 Each individual bedroom doorset should be fitted with a door viewer and a five lever mortice lock (BS3621) with internal thumb turn release.

3.36 An Operational Management Statement in support of this application should be a requirement. This statement should clearly detail how management and supervision of both the accommodation and its occupants are to be addressed.

3.37 Where crime prevention or the fear of crime is material to a proposed development, local planning authorities may wish to consider planning conditions to secure measures that reduce the possibility of crime. Conditions may be appropriate if a potential criminal act would have an adverse effect on the use or potential use of land such situations may include where the intended occupants or users of a development are particularly vulnerable and so require higher standards of security or personal safety justifying specific crime prevention measures.

3.38 Request planning conditions that the developer provide full details of how crime prevention is being addressed

Environment Agency - No objections

3.39 Consideration should be given to the raising of floor levels and incorporating flood proofing

3.40 Developer should produce a flood evacuation plan with consultation from the Emergency Planning team

3.41 Flood mitigation measures could be imposed

3.42 Should be consistent with the recommendations of the Strategic Flood Risk Assessment

Yorkshire Water - No comments

English Heritage

3.43 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice

Micklegate Planning Panel

3.44 No objections

## 2 Representations of Objection

### 3.45 Comments made:-

- The objector is a tenant of the offices at 20 George Hudson Street. When deciding on a location worked through the decision process of selecting a new office location decided upon George Hudson Street based the type of long standing businesses surrounding this site, i.e. mixture office, retail and hospitality whilst being in close proximity to our major clients.
- The area is not conducive to student lets and over time will discourage other businesses/companies relocating to the area to take up empty office space not only in our building but others in the surrounding area;
- Objector is located directly next door to the proposed site and the rear flat roof which is part of that building and linked to the 2nd floor of our premise. Have concerns that we will lose "quiet enjoyment" by staff in close proximity to this area. The 2nd floor is a meeting suite where business development and client focussed meetings are held. Disturbance from next door will negatively impact the effectiveness and professionalism of these meetings
- Concerned that the area in the vicinity of the premises will become littered, which projects a poor image to our client base, which is predominately centred in the York area.
- The application makes no mention of car parking or that the site would be excluded from residents parking zones, request that it is excluded

## 1 Representation of Comments

### 3.46 Comments made:-

- The proposed site is in an area which has a busy night time economy, there are many people in the area during the early hours of the morning. As such the noise will affect people living in the proposed flats. The building should be sound proofed to a very high standard.

## 33 Proforma Letters of Support have been received

### 3.47 Comments made:-

- There are unoccupied office units within the City Centre
- Proposal will retain a grade II listed building, leaving the facade unaltered
- Proposal will bring more people into the city centre and create more trade
- Good transport links
- There are noise reduction measures included within the proposal

## 4.0 APPRAISAL

### 4.1 Key Issues:-

- Loss of employment (office space)
- Impact to conservation area and listed building
- Requirement for student accommodation
- Occupants residential amenity
- Impact to neighbouring uses
- Highways
- Open Space

## ASSESSMENT

### PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; the use of previously developed land is encouraged; take account of the different roles and character of different areas; conserve heritage assets in a manner appropriate to their significance

4.2 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

### PRINCIPLE OF DEVELOPMENT

4.3 The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. In part it is suggested that this should be done by allocating a range of sites for offices to ensure that office uses are met in full and not compromised by site availability. The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no

reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.4 Paragraph 58 of the NPPF states that decisions should aim to ensure that development: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.5 The NPPF seeks to: Significantly boost housing supply (paragraph 47); housing applications should be considered in the context of the presumption in favour of sustainable development (49). Bring back into residential use empty buildings in line with local housing and empty homes strategies ... and normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate (51). - Sustain and enhance the significance of listed buildings and put them to viable uses consistent with their conservation (126). Encourage the effective use of land by reusing land that has been previously developed. Place significant weight on the need to support economic growth through the planning system. This includes supporting existing business sectors, in particular those which are expanding (21).

4.6 Policies E3b of the Draft 2005 Local Plan seek to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.7 The aim of local and national policy is to retain office space within the city centre for future office use and to attract inward investment. The Economic Development Unit has objected to the proposal on the grounds of the loss of office space, and lack of justification. This view is supported by City Development. The site provides a large area of office space within the city centre, which is need of some renovation. The site until recently was used as office accommodation by CYC. The client has stated that the office accommodation is no longer required; they have marketed the site as a redevelopment opportunity and as office accommodation. The site has



been marketed since March 2013, the estate agent has confirmed that whilst there has been initial interest, the interest has not progressed further. EDU confirm that from the York Means Business website there is interest for the size of office accommodation. However the applicant/agent has made a presumption of no interest in enquiries searching for less than 28,000 sq ft which contradicts the marketing material which states that "offices can be made available either as a whole or in floors/suites, to suit occupier requirements". However it is understood that the applicant is the prospective owner rather than the current owner. Renovation of office space has been undertaken on the neighbouring site (16 - 24 George Hudson Street), creating high quality accommodation, with the flexibility to be rented as a whole or in part. The agent has made the argument that the layout of the application building (particularly access to the third floor) does not lend itself to the same flexible approach in the letting of office space. The applicant argues that the quality of the existing offices are prohibitive to the interest of future tenants and that renovation would be required, the applicants have made a case that it would not be economically viable and more income can be generated from student accommodation.

4.8 Draft 2005 Local Plan Policy ED10 relates to student housing. The policy advises that proposals for off-campus residential accommodation will need to meet the following criteria -

- There is identified need
- The universities are accessible from the site
- The development is of appropriate design
- The would not be a detrimental impact on nearby residents
- Car parking will be satisfactorily managed

4.9 Whilst a certain percentage of students will at some point want to be in private accommodation, rather than managed residencies, there is a demand in the market for the type of accommodation proposed. The developers are confident the proposals are viable and this view is not challenged. Both universities are easily accessible from the application site.

4.10 Paragraph 104 of the NPPF states that applications for a change of use should not be subject to sequential or exception tests. The majority of the site is within Flood Zone 2, a small corner of the site (a covered gated vehicle access) would be within Flood Zone 3. Neither the Environment Agency or the Flood Risk Management Team have an objection of the change of use of the existing building, subject to an evacuation plan being in place.

4.11 On balance there is a demonstrable demand for residential student development in the city. Officers consider, without adopted local policy that it would be difficult to defend a refusal on the basis of loss of office space.

## IMPACT ON HERITAGE ASSETS

4.12 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the same Act requires the Local planning authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation Area, or the setting of a listed building, the statutory duty means that such harm should be afforded substantial weight.

4.13 The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise (paragraph 129). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the to the asset's conservation. The more important the asset the greater the weight should be. Where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits; where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance, para 137.

4.14 The application site is within the Central Historic Core Conservation Area. The whole of the application site is within Character Area 21: 'Micklegate' which contains independent retail/ commercial streets on through routes. The effect on the listed buildings is discussed in companion application 14/01384/LBC. The conclusion of the Conservation Officer is that the proposal does not give rise to any harm to the Conservation Area or the setting of the listed building.

4.15 The change of use of the building to residential would maintain the character and appearance of the conservation area. The alterations to the facade of the building are on the more recent rear elevation and are limited to vents, the changes would maintain the character and appearance of the conservation area. The George Hudson Street ground floor frontage is not original and adds little to the significance of the facade above. The alterations to the entrance on the George Hudson Street elevation are relatively minor and would have a neutral impact to the facade. The change of use of the ground floor to a retail unit will likely allow views into the unit, as seen in the neighbouring units, which are considered to be a positive on the

current situation. The proposed use is not considered to result in any harm to the listed building or its setting, or to the conservation area and its setting

## FUTURE OCCUPANT RESIDENTIAL AMENITY

### - AIR QUALITY

4.16 Para 123 of the NPPF requires that adverse impacts on health and quality of life are mitigated and reduced and that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan. Policy GP4b requires proposals for development within AQMAs to assess their impact on air quality. The building falls within City of York Council's Air Quality Management Area (AQMA) where exceedences of both the hourly mean and annual mean nitrogen dioxide objectives. The latest monitoring results for the 2013 calendar year indicate breaches of the annual mean objective in the immediate vicinity of the proposed development.

4.17 Not adding to the existing air quality problems in the area is of importance, however it is considered that that the application would not increase vehicle trips over and above the former office use of the site and therefore the proposed residential use would not result in a reduction in air quality.

4.18 The applicants have devised a strategy for overcoming the air quality impacts to future occupiers. All rooms to be mechanically ventilated by clean air is drawn from the rear of the building. The windows fronting onto George Hudson Street and Tanner Row will have secondary glazing which if fixed shut together with the mechanical ventilation would overcome the air pollution issues. Whilst the applicant has not stated that the windows would be fixed shut in any of the supporting information, it is considered this can be sought via condition and as such the scheme would comply with Policy GP4b of the Draft DCLP 2005 and with national guidance contained within the NPPF.

### - NOISE

4.19 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, para 123 and Policy GP1 of the Draft DCLP 2005 requires that there should be no undue adverse impact from noise disturbance. Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

4.20 Unlike air quality, there are currently no European or national noise limits which have to be met. Noise pollution depends not just on the physical aspects of the sound itself, but also the human reaction to it. The consideration should be the impact to health, and the impact to quality of life. The Noise Policy Statement for England requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.

4.21 Noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. Once noise exposure causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present, the NPPG states that the planning process should be used to avoid this effect occurring, by use of appropriate mitigation. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

4.22 The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day. The cumulative impacts of more than one source should be taken into account along with the extent to which the source of noise is intermittent and of limited duration. Consideration should also be given to whether adverse internal effects can be completely removed by closing windows. In this case, secondary glazing is proposed (as previously mentioned a condition requesting the windows on the George Hudson Street and Tanner Row facade to be fixed shut) together with mechanical ventilation. The NPPG sets out that some commercial developments including fast food restaurants, night clubs and public houses can have particular impacts, not least because activities are often at their peak in the evening and late at night, and considerations should be given to not only the noise that is generated within these premises but also the noise that may be made by customers in the vicinity. A list of the pertinent applications relating to premises in the surrounding area is included at Annex 1.

4.23 A Noise Assessment was submitted in support of the application, together with later additions. The measurements were taken over a weekend, on one of the nights the adjacent Club Salvation was closed on the Friday night. All of the proposed flats are single aspect.

4.24 Leq values, or average values over a specified time period, were measured as 66dB(A) during the day and 62db(A) during the night. These figures are almost identical to figures measured by EPU in 2007 at the same location where values of 66dB(A) during the daytime and 63dB(A) at night time were recorded. As a result officers are satisfied that the Council's internal noise criteria of 35dB(A) Leq 16 hour

(07:00 to 23:00) and 30dB(A) Leq 8 hour (23:00 to 07:00) is achievable using the proposed Pilkington Glass window construction of 10mm-200mm-6mm, with a sound reduction level of 49dB  $R_w$  or 45dB  $R_{tra}$ .

4.25 With regards to my concerns over the  $L_{max}$  values associated with external noise sources such as traffic, pubs, clubs, people noise etc the submitted noise report suggested that the worst case free field maximum noise level associated with the noise sources was 85dB(A) as a free field external level. Following further interrogation of the data it was found that 85dB(A) level was actually exceeded 8 times on the Friday night and 15 times on the Saturday night, with the maximum measured noise level of 94.4dB(A). Noise monitoring undertaken by EPU in 2007 found that external noise levels at the same location during the night were up to 96dB(A) with 16 events during a Friday night being greater than 85dB(A) described within the application. Assuming that the proposed theoretical sound reduction associated with the proposed glazing was the same in situ, then internal levels of up to 47dB(A) as a  $L_{max}$  event could be experienced. There are concerns regarding the difference between theoretical and real levels of sound reduction, as this would make a huge difference on whether or not the scheme was acceptable. This concern relates principally to the facades facing George Hudson Street and Tanner Row.

4.26 EPU have expressed concerns have been raised about low frequency noise during the night time which may possibly be associated with noise from nearby clubs (a nearby club was closed on one night during the assessment period). Additional information on noise levels over one minute periods at night time was provided for the 63Hz and 125Hz frequencies, and showed that the highest measured sound levels were 85.3 dB and 84.3 dB externally in free field conditions. At these frequencies, the proposed glazing would provide attenuation of 30dB for 63Hz and 35dB for 125 Hz. This would therefore equate to internal levels of 55.3dB and 49.3dB. The acoustic engineer in their calculations have used the level of 80.8 dB (63Hz) and 75db (125Hz) with the attenuation within the affected flats the internal levels of 51 dB and 45dB. Under practical conditions the attenuation to the large windows is generally reduced by some 4-6dB. The data submitted states the level used by the acoustic engineer was exceeded for 64 (63Hz) and 114 (125Hz) over the entire weekend.

4.27 In view of this it would appear that the proposed glazing of Pilkington Glass construction (10mm-200mm-6mm) would for the majority of rooms in the proposed development provide the best available protection against external noise, other than for those directly opposite the night club. The applicant's acoustician acknowledges that any further attenuation is unlikely to be achievable. However there would still be issues regarding night time noise impacts on sleep. At the time of writing the report the agent had employed another acoustic consultant, the intention is that additional information will be submitted indicating that further attenuation is possible, this will be reported to committee at the meeting.

4.28 In addition, the third bullet point of paragraph 123 of the NPPF is pertinent: "...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established". In allowing a residential use in this location this may impact on the current business activities of the surrounding late night businesses and prevent any further development of those businesses. It is likely that the proposed use will result in complaints regarding the commercial activities of the surrounding business together with the potential noise and disturbance from customers in the vicinity. This is because existing noise levels from the business even if intermittent (for example, a live music venue) even with the proposed attenuation measures may be regarded as unacceptable by the new residents and subject to enforcement action.

4.29 The importance of keeping listed buildings in active use is recognised by NPPF. The proposed accommodation would be for students who might be attracted by the proximity of late night entertainment as well as the other conveniences of city centre living. However, residents should not be denied the reasonable expectation of an uninterrupted night's sleep when they need one. It is considered that to create accommodation that would almost certainly be substandard would deny residents the choice and would therefore be a poor form of development, unlikely to benefit the listed building or the city in general.

#### - SAFE ENVIRONMENTS

4.30 There is a requirement on the LPA to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions. Given the surrounding uses and the late night economy of the area there may be issues. The Police Architectural Liaison Officer (PALO) has confirmed that the proposed development is within "an area of high risk in respect of crime and disorder". The PALO submitted a report showing that between 01.06.2013 and 31.05.2014 there were 284 incidences of reported crime and 266 reported incidences of Anti Social behaviour (this figure does not include the ASB events that have been converted into crimes). With regards to the reported crime the majority of the reported crimes (194) took place between 23.00 and 03.00 hours. With regards to the ASB the significant majority (163) take place 00.00 and 04.00.

4.31 Whilst conditions could be placed requiring CCTV etc this would only cover the inside of the building and entrances, it would not prevent the existing problems outside the building. This may not be sufficient to overcome the fear of crime particularly during evening and early morning hours to the occupants of the building. However it is considered that future occupants of the building would be aware of the surrounding late night uses and the potential problems that arise in the proximity of such uses. As such it is not considered that refusing the application on the fear of crime could not be reasonably defended at appeal.

## SUSTAINABILITY

4.32 Draft 2005 Policy GP4a requires issues of sustainability to be considered within planning applications. The site is in reasonable proximity to York St John University without resorting to private transport, and regular bus routes to York University run past the site. The site is in close proximity to shops and other amenities. The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site. The development would also benefit from covered and secure cycle parking. If any visitors came by car there is a NCP car park on the opposite side of George Hudson Street.

4.33 The agent has made no reference within the supporting information as to whether the proposed conversion can achieve BREEAM multi-residential within a listed building, it is considered that this information can be sought via condition if the application is approved

4.34 Refuse bins will be stored within the building envelope, however the door arrangement and the width of the doors would make it problematic taking the bins to the rear of the property for collection. Whilst the agent was advised of this issue they were unwilling to change this aspect of the plans. However it is considered that the refuse bins can be reasonably stored to the rear of the building.

## HIGHWAYS

4.35 Cycle parking provision is at 50% is considered to be a realistic level of provision, and the supporting Travel Plan indicates that there is scope for further cycle parking to be provided within the site if demonstrated to be necessary in the future.

4.36 Vehicular access to the site is available from Tanner Row and North Street. These existing access points will be retained and provide access to limited car parking which will be used by site management staff and disabled residents.

4.37. As stated by Highway Network Management, a management plan would be implemented to ensure that the units are occupied/vacated in a staggered approach in order to further minimise and manage the number of cars entering the site. This approach has successfully been adopted elsewhere in the City. ..

4.38 Surrounding streets are protected by various waiting restrictions, which will reduce the potential for indiscriminate parking. The site is located within the city centre with its associated local facilities. A large number of bus stops served by high frequency services are also within a short distance of the site and as such the site is highly sustainable.

## OPEN SPACE

4.39 Draft 2005 Local Plan policy L1c requires developments to make provision for the open space needs of future occupiers. The type of open space required is dependent upon whether the existing open space in the locality is adequate, and whether it has the capacity to accommodate the proposed development.

4.40 Open space is divided into typologies; amenity open space, play space and sports provision. As the development is for university students, there is no need to contribute toward play space, as there would be no increased demand for such. Officers are of the opinion that to require contributions towards sports provision would not meet the tests of the NPPF, which requires any contributions to be:

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

4.41 This is on the basis that generally the universities will provide sports facilities for students and the LPA would need to demonstrate that a facility could be either upgraded or provided in the locality. A contribution towards amenity space £8,758 (£151 per student room) has been requested, which is in accordance with the latest Open Space contribution requirements, as established in the Supplementary Planning Guidance on such and national guidance set out in paragraph 73 of the NPPF.

## 5.0 CONCLUSION

5.1 The loss of the office space and the requirement for the student accommodation is accepted. There is no harm to the setting of the listed building or the character and appearance of the conservation area. It is accepted that anybody considered occupying one of the proposed flats would be aware of the surrounding uses. The proximity of the surrounding business and the late night economy character of the area would result in noise that would affect the residential amenity, quality of life, and potentially health of future occupants. The proposed attenuation is welcomed however it is not sufficient to overcome concerns, and any further attenuation is unlikely to be achievable.

5.2 It is likely that the proposed use will result in complaints regarding the commercial activities of the surrounding business together with the potential noise and disturbance from customers in the vicinity. The NPPF states that “existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”(123). The noise issues arising to the occupants of these flats may impact on the current business activities of the surrounding late night businesses and prevent any further development of those businesses.



5.3 Therefore, on balance, the proposal is recommended for refusal.

## **6.0 RECOMMENDATION:**

1. The proposed attenuation proposals are not considered to be sufficient to mitigate the noise issues from the surrounding uses (particularly during the night time hours) and further attenuation is unlikely to be achievable, as such would result would in harm to the residential amenity and quality of life of the occupants and result in accommodation that be substandard and therefore a poor form of development. For these reasons the proposed development would to fail secure a good standard of amenity for all the future occupants of the building and considered contrary to advice within the National Planning Policy Framework, in particular Core Principle 4 and paragraph 123, and would conflict with the aims of the National Planning Policy Framework .
2. The proposed residential use in this location is likely to have an adverse impact on the current business activities of the surrounding late night businesses and prevent any further development of those businesses. It is likely that the proposed use will result in complaints regarding the commercial activities of the surrounding business together with the potential noise and disturbance from customers in the vicinity, contrary to paragraph 123 of the NPPF.

## **7.0 INFORMATIVES:**

### **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 an attempt to achieve a positive outcome:

- Revised plans and additional information including further noise details
- Consideration of conditions

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

## **Annex 1**

### Relevant Applications for Property in The Surrounding Area

#### **Salt and Peppers - 19 Tanner Row**

08/01750/FUL - Removal of condition 1 of planning permission (06/00253/FUL) to allow 24 hour opening - Approved

#### **York Jumbo Buffet - 2 George Hudson Street**

00/02646/FUL - Change of use of ground floor of 2-4 George Hudson Street from retail (Class A1) to food and drink (Class A3) (amended description) - Approved  
Opening hours condition till 12.00 midnight

#### **Akbars - 6 George Hudson Street**

05/01134/FUL - Change of use of basement storage and ground floor printing shop (use A2) to restaurant (use A3) - Approved

- No opening hours conditioned

#### **Thida Thai Cuisine - 16 George Hudson Street)**

03/02655/FUL - Change of use from retail (class A1) to class A3 - Approved

- Hours conditioned to: 1000 and 2400 hours Mondays to Saturdays and 1000 to 2300 hours on Sundays and Bank Holidays.

#### **16 – 22 George Hudson Street**

13/03126/FULM - Change of use of 16 to 22 George Hudson Street from restaurant (class A3) and offices (class B1) to hotel use (class C1) with ancillary restaurant/bar (class A3/A4), alterations to shopfront and new rooftop plant and screen -  
Withdrawn

#### **Kapadokya - 24 George Hudson Street**

02/03475/FUL - Change of use from vacant shop to restaurant on ground floor and basement store with erection of extraction flue

- Opening hours conditioned to: 10am to 1am

#### **Red Chilli - 25 George Hudson Street**

07/00578/FUL - Change of use of Unit 2 from class A1( retail) to Class A3 (restaurant) to include installation of external metal flue - Approved

- No opening hours were conditioned

### **Society Lounge And Bar 1 Rougier Street**

12/02062/FUL - Change of use of public highway to pavement cafe (resubmission) - Approved

- Hours of operation conditioned to 07:00-20:00

11/02710/FUL - Change of use of public highway to pavement cafe - Refused, for the following reasons:-

- The opening hours of the proposed pavement cafe would be detrimental to the amenities of nearby residents and occupiers by significantly increasing the potential for late night noise and nuisance from customers congregating in the area.
- It is considered that the introduction of an external drinking area operating until late evening, in the vicinity of the neighbouring take-away, restaurants, nightclubs, and public houses would aggravate the crime and disorder problems in the area significantly increasing the potential for crime and anti-social behaviour. The site is located within the City of York Council's Cumulative Impact Zone,
- The pavement café would result in an unacceptable conflict with other users of the public footpath

07/00152/FUL - Variation of condition 3 of application 04/01534/FUL to extend hours of use of pavement cafe as an outside smoking area until 02:00 Sunday to Thursday and 03:00 on Fridays and Saturdays (existing hours 11:00 to 20:00 on all days) - Refused, Overturned at committee (27.02.2007). Reasons:-

- It is considered that the proposed extension of the hours of use of the pavement café would be detrimental to the amenity of nearby residents by significantly increasing the potential for noise and nuisance as a result of customers and other members of the public gathering outside the premises late at night.
- It is considered that the proposal would significantly increase the potential for crime and anti-social behaviour as a result of the location of the site within the City of York Council's Cumulative Impact Zone
- It is considered that the proposed extension of the hours of use of the pavement café would result in an unacceptable conflict with other users of the public footpath,

04/01534/FUL - Change of use of public highway to pavement cafe - Approved  
Hours of operation conditioned to 07:00-20:00

04/01534/FUL - Change of use of public highway to pavement cafe - Approved

Hours of operation conditioned to Monday to Saturday 11.00 to 20.00 hours,  
Sundays and Bank Holidays 11.00 to 20.00 hours

#### **4 - 8 Rougier Street**

14/01733/ORC - Proposed change of use of part of ground floor from offices to 3no. apartments (use class C3) under Class J Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 - No objections

13/03342/ORC - Proposed change of use from offices (class B1c) to 46 apartments (use class C3) under Class J Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 - No objections

#### **Opening hours set out in the premises licence (licensing act 2003):-**

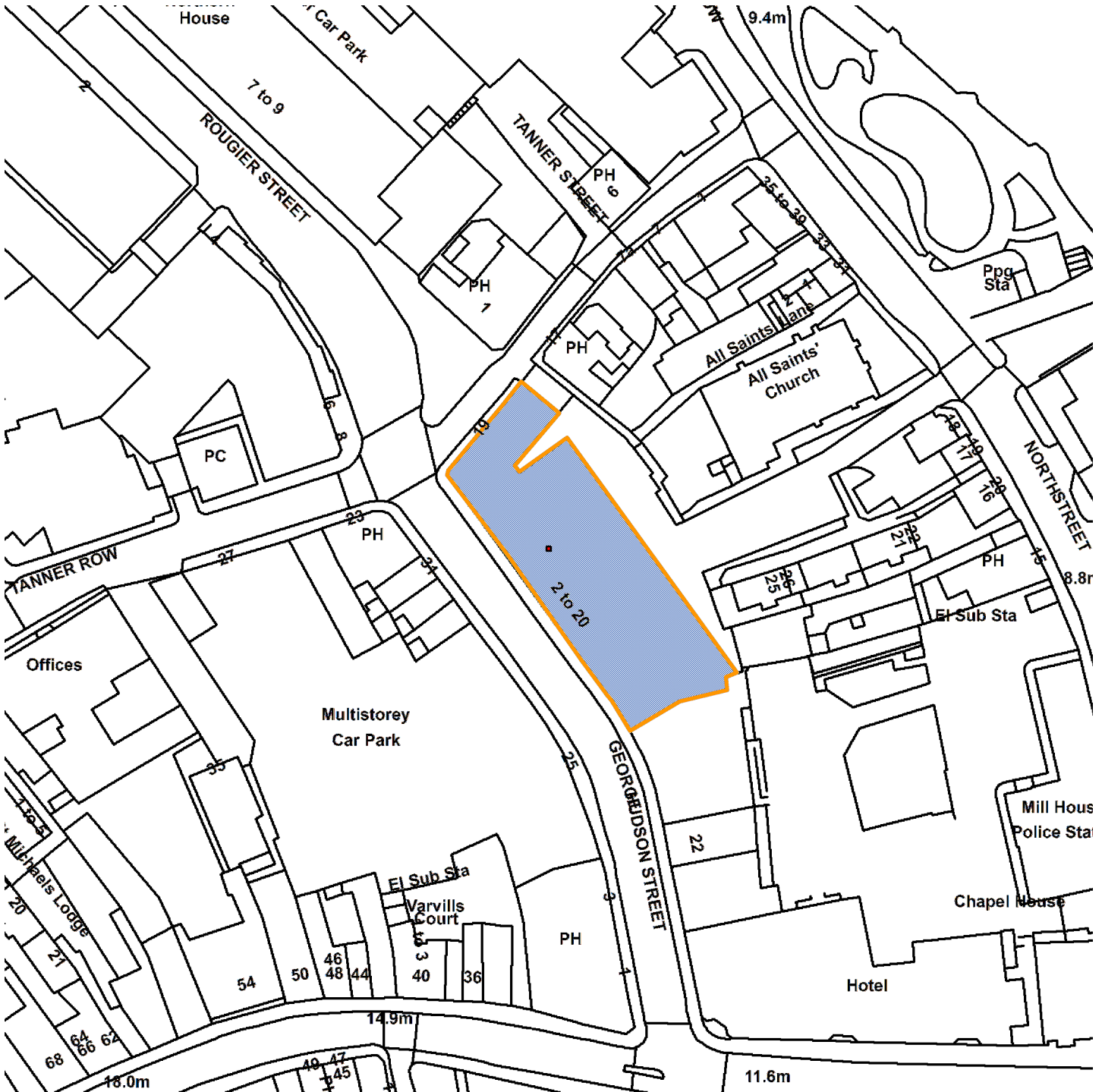
- Salt and Peppers (19 Tanner Row)  
Opening Hours: Mon - Sun 11.00 to 05.00
- Akbars (6-8 George Hudson Street)  
Opening Hours: Sun - Thus 17.00 to 00.00 Fri- Sat 17.00 to 00.30
- York Jumbo Buffet (2 George Hudson Street)  
Opening Hours: Mon to Sat 12.00 to 23.00 Sun 12.00 to 22.30
- Karachi (14 George Hudson Street)  
Opening hours - No restrictions
- Kapadokya 24 George Hudson Street  
Opening hours - No restrictions
- Red Chilli (25 George Hudson Street)  
Opening Hours: Mon to Sun 12.00 - 00.30
- Popworld 1 - 3 George Hudson Street  
Opening Hours: Mon - Thur 10.00 to 02.30, Fri - Sat 10.00 to 03.30, Sun 11.00 to 02.30
- Club Salvation (25 Tanner Row)  
Opening Hours Mon to Sun 11.00 to 04.30
- Society Lounge And Bar 1 Rougier Street  
Opening Hours: Sun - Thur 11.00 - 02.30, Fri - Sat 11.00 - 03.30
- Corner Pin PH (17 Tanner Row)  
Opening Hours: Sun - Wed 10.00 to 00.30, Thur - Sat 10.00 to 01.30

- Flares (6 Tanner Row)  
Opening Hours: Mon to Thur 10.00 to 02.30, Frito sat 10.00 to 03.30, Sun  
11.00 to 02.30

This page is intentionally left blank

14/01383/FULM

2-14 George Hudson Street



Scale : 1:1059

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>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	09 March 2015
<b>SLA Number</b>	Not Set

This page is intentionally left blank



**COMMITTEE REPORT**

**Date:** 19 March 2015                      **Ward:** Micklegate  
**Team:** Major and                           **Parish:** Micklegate Planning  
                Commercial Team   Panel

**Reference:** 14/01384/LBC  
**Application at:** 2 - 14 George Hudson Street York YO1 6LP  
**For:** Internal and external alterations in connection with change of use from offices to student accommodation  
**By:** Forshaw Land And Property Group  
**Application Type:** Listed Building Consent  
**Target Date:** 22 August 2014  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application is for internal and external alteration to the building to enable the building to be used as 58 student studio flats, together with a retail unit to the ground floor.

1.2 The partner application to this application is 14/01383/FULM - Change of use from offices (use class B1) to student accommodation comprising 58 self contained units with associated facilities including shop, cycle store, managers office, communal lounge, gym and laundry. A new shop front to the proposed entrance on the George Hudson Street elevation.

1.3 The building is grade II listed. The application site is within the Central Historic Core Conservation Area and an Area of Archaeological Importance. The building is within Flood Zone 2, with a small corner of the building and the car park to the rear within Flood Zone 3. There are a significant number of listed buildings neighbouring the site.

1.4 The proposal works considered as part of this application are as follows:

- Secondary glazing to the windows facing onto George Hudson Street and Tanner Row,
- Artificial ventilations will be provided to the rooms, the vents will be in the rear elevation of the building
- Reconfigured entrance to the accommodation from George Hudson Street, together with an access from George Hudson Street for the proposed retail unit
- Removal of the existing stud partitions and new partitions to create the flats and associated accommodation (a common room, laundry, gym, cycle storage and refuse bin storage)
- Soil vent pipes to the rear elevation

- Raised floor at first floor level
- Suspended ceilings

1.5 The agent has submitted a list of the works as part of the justification for the change of use application; the agent has confirmed that for a few exceptions that the works would be required to this building; however they have not been applied for as part of this application.

1.6 The number of flats has increased from 55 to 58. The application was initially submitted without elevations. A number of revised plans have been submitted following the identification of a number of errors in subsequent plans. In addition further supporting information has been submitted which accounts for the length of time the application has taken to come before committee. A new entrance to the proposed retail unit was recently included on the plans.

## **2.0 POLICY CONTEXT**

2.1 Draft 2005 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

Floodzone 2 GMS Constraints: Floodzone 2

Listed Buildings GMS Constraints: Grade 2; 17-22 George Hudson Street York YO1 1LP 0108

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYHE6 Shopfronts in historic locations

2.3 Emerging Local Plan Policy (Draft Publication Plan 2014)

D4 Conservation Areas

D5 Listed Buildings

## **3.0 CONSULTATIONS**

### **INTERNAL CONSULTATIONS**

Environmental Management (Conservation) States:-

3.1 The submission of elevation drawings illustrating the rear elevation of the Tanner Row range is welcomed

3.2 The proposed additional soil vent pipes, flues and vents on this elevation will not be overly intrusive; the alterations can be supported. Internally, the proposed suspended ceilings replace existing suspended ceilings. No cornices or other architectural features were found during earlier inspection. . This alteration results in no impact on the special interest of the building.

3.3 It is now proposed to introduce raised floors over parts of the first floor. Arguably at this late stage, and a new listed building consent application could be required by the local planning authority. However with the exception of parts of the range facing Tanner Row, there are no historic fittings or finishes which will be affected. In the Tanner Row range, some historic joinery remains in situ; the raised floor would have to be designed to avoid physical damage to the existing joinery. Presumably the raised floor would sit above the skirting, which it is presumed will remain in situ. Large scale cross section drawings will be required to illustrate this point. The floors should scribe round any other remaining historic joinery.

3.4 Request conditions including: full schedule of proposed alterations; full details of proposed service routes; full details of design, scale and materials for all inlet/outlet vent covers; No permission hereby granted for any alterations to windows or window openings; Indicative cross section through internal window reveal illustrating secondary glazing at 1:5; Vertical cross section through proposed front doors and glazed side lights at 1:5; Indicative cross section through raised floor and skirting at 1:2 (affects rooms to Tanner Row range only); New floors should scribe round, not cut through architraves, panelling, or other historic joinery (where present); further details of the proposed suspended ceiling.

Environmental Protection Unit - Object. States:-

3.5 Principal concerns relate to the potential impact that the noise levels could have upon the amenity of residents of the proposed student flats, particularly during the night time periods as a result of loud impact noises and low frequency noises.

3.6 This concern related principally to the facades facing George Hudson Street and Tanner Row.

3.7 Frequency Issues - In addition to concerns about Lmax issues, EPU have concerns about low frequency noise during the night time which may possibly be associated with noise from the nearby night clubs

3.8 Have concerns over the potential for noise to affect residential amenity in rooms overlooking George Hudson Street and Tanner Row. The agent has recently advised that further attenuation from the window may be achieved through the provision of absorption in the window reveals to the windows in the property and thereby ensure that the 45dB(A) Lmax value would not be exceeded. (*Officer note – at the time of writing the report this information had not been submitted*). Should this show that the Council's internal noise standard, which is based on the WHO

guidelines on community noise and BS8233, can be achieved then would no longer have any objection to the proposals on noise grounds,

Economic Development Unit – Object, stating:-

3.9 The City of York Key Sites report, authored by GVA, outlines the need for high quality office space in the city centre, and given the development site constraints provided by surrounding green belt land and the city walls/street layout, cannot afford to lose offices in such a prime location to another use.

3.10 There is currently a reliance on pre-let development owing to an inability to attract speculative development in the near future, with page 26 and 28 of the Centre for Cities Report (Making the Grade, May 2012) highlighting the need for developers to see "the potential returns associated with refurbishing existing space".

3.11 Question why agent has dismissed enquiries that do not specify size or specification. Applicant/Agent makes a presumption of no interest in enquiries searching for less than 28,000 sq ft. Contradicts the marketing material which states that "offices can be made available either as a whole or in floors/suites, to suit occupier requirements"

3.12 2-4 GHS marketing material says "upper floors to be refreshed as quality, self-contained student accommodation". In addition, the freehold marketing literature refers to "potential for hotel, residential and student residential development"; and provides information on mileage to York St John University. Wording of this literature presuming too much and dissuading from office use?

3.13 Request evidence for the demand for student accommodation in this area

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Micklegate Planning Panel

3.14 No objections

### English Heritage

3.15 No comments

3.16 3 Representations of Support (all three representations are from the same person)

- Support the re-use of a listed building
- Alterations appear sympathetic with this Listed Building's appearance.
- support the use of energy saving features in the proposed development.

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

14/01383/FULM - Change of use from offices (use class B1) to student accommodation comprising 58 self contained units with associated facilities including shop, cycle store, manager's office, communal lounge, gym and laundry. A new shop front to the proposed entrance on the George Hudson Street elevation- Pending

### KEY ISSUES

- Impact on the special architectural and historic interest and visual amenity of the listed building

### PLANNING POLICY

4.1 Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that in determining whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and section 72 of the 1990 Act places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining applications under the Planning Acts. The duty imposed by S72 (1) means that when deciding whether harm to a conservation area is outweighed by the advantages of a proposed development the decision-maker should give particular weight to the desirability of avoiding such harm. There is a "strong presumption" against the grant of permission in such cases. The process is one of planning judgment but it must be informed by that need to give special weight to maintaining the conservation area.

4.2 The NPPF seeks to conserve and enhance the historic environment. Paragraph 126 states that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

4.3 The National Planning Policy Framework (NPPF) Chapter 12, Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.4 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. When determining the application in line with paras 131 - 135 consideration should be given to the significance of the heritage asset.

4.5 Local Plan - The relevant development plan is the City of York Council Development Control Local Plan ( 2005). The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Policy HE4 states that consent for internal or external alterations to listed buildings will only be granted where there is no adverse effect on the character, appearance or setting of the building.

## ASSESSMENT

4.6 The application site is within the Central Historic Core Conservation Area. The whole of the application site is within Character Area 21: 'Micklegate' which contains independent retail/ commercial streets on through routes.

4.7 The proposed suspended ceilings replace existing suspended ceilings. No cornices or other architectural features were found during earlier inspection and it is considered that this alteration results in no impact on the special interest of the building.

4.8 The proposed additional soil vent pipes, flues and vents on this elevation are not considered to be overly intrusive.

4.9 Raised floors are proposed at first floor level, with the exception of parts of the range facing Tanner Row, there are no historic fittings or finishes which will be affected. In the Tanner Row range, some historic joinery remains in situ; the raised floor would have to be designed to avoid physical damage to the existing joinery. The submitted details are not clear, however it is presumed the raised floor would sit above the skirting, which it is presumed will remain in situ. Further details can be sought via condition.

4.10 Secondary glazing behind the existing glazing unit is proposed to the windows in the George Hudson Street and the Tanner Row elevations for reasons of air quality and noise (set out in the partner application) the proposed glazing would be required to be conditioned shut (if the partner application is recommended for approval) however this would be a condition for the Full application rather than the LBC application. The application does not make reference to the replacement of any

of the glazing units, however for avoidance of doubt it is considered reasonable that a condition clarifying this point is added to the consent, if approved.

4.11 The change of use of the building to residential would maintain the character and appearance of the conservation area. The alteration to the facade of the building are on the more recent rear elevation and are limited to vents, the changes would maintain the character and appearance of the conservation area. The George Hudson Street ground floor frontage is not original and adds little to the significance of the facade above. The alterations to the entrance on the George Hudson Street elevation are relatively minor and would have a neutral impact to the facade. The change of use of the ground floor to a retail unit will likely allow views into the unit, as seen in the neighbouring units which are considered to be a positive on the current situation. The proposed use is not considered to result in any harm to the listed building or its setting, or to the conservation area and its setting.

## **5.0 CONCLUSION**

5.1 The proposals are consistent with the National Planning Policy Framework advice as set out above. The development would not cause any harm.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

Drawing Number 2381-02-01 'Location Plan' received 05 January 2015;  
Drawing Number 2381-03-06 Revision E 'Plans - Services & Drainage Ground & First' received 02 March 2015;  
Drawing Number 2381-03-07 Revision D 'Plans - Services & Drainage Second & Third' received 26 February 2015;  
Drawing Number 2381-03-08 'Plans - Services & Drainage Basement & Roof' received 08 January 2015;  
Drawing Number 2381-03-13 Revision D 'Rear Elevation Building Works & Services' received 26 February 2015;  
Drawing Number 2381-02-14 Revision D 'Feasibility 2 Ground & First' received 02 March 2015;  
Drawing Number 2381-02-15 Revision C 'Feasibility 2 Second & Third Floors' received 20 February 2015;  
Drawing Number 2381-02-18 Revision B ' Entrance Elevation Existing & Proposed' received 02 March 2015;

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

2 TIMEL2 Development start within 3 yrs (LBC/CAC) -

3 Prior to the start of construction a full schedule of the proposed alterations shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details as approved by the Local Planning Authority.

Reason: In the interests of the architectural and historic interest of the listed building. For the avoidance of doubt and the plans and supporting information lack sufficient detail

4. Notwithstanding the submitted plans no listed building consent has been granted for any alterations to the windows or window openings.

Reason: For the avoidance of doubt. In the interests of the architectural and historic interest of the listed building.

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

- (i) Indicative cross section through internal window reveal illustrating secondary glazing at 1:5
- (ii) Vertical cross section through proposed front doors and glazed side lights at 1:5
- (iii) Indicative cross section through raised floor and skirting at 1:2 (affects rooms to Tanner Row range only). New floors should scribe round, not cut through architraves, panelling, or other historic joinery (where present)

Reason: In the interests of the architectural and historic interest of the listed building.

6 Prior to the commencement of the development hereby approved, details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority, and the works shall be carried out in accordance with the details as approved by the Local Planning Authority.

- (i) Full details of design, scale and materials for all inlet/outlet vent covers
- (ii) Full details of design, scale and materials for all inlet/outlet vent covers
- (iii) full details of the proposed service routes
- (iv) Full details of the proposed suspended ceiling

Reason: In the interests of the architectural and historic interest of the listed building. The proposal drawings indicate that service routes are indicative only



## **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:

- Request revised plans and elevations
- Request additional information
- Use of conditions

#### **Contact details:**

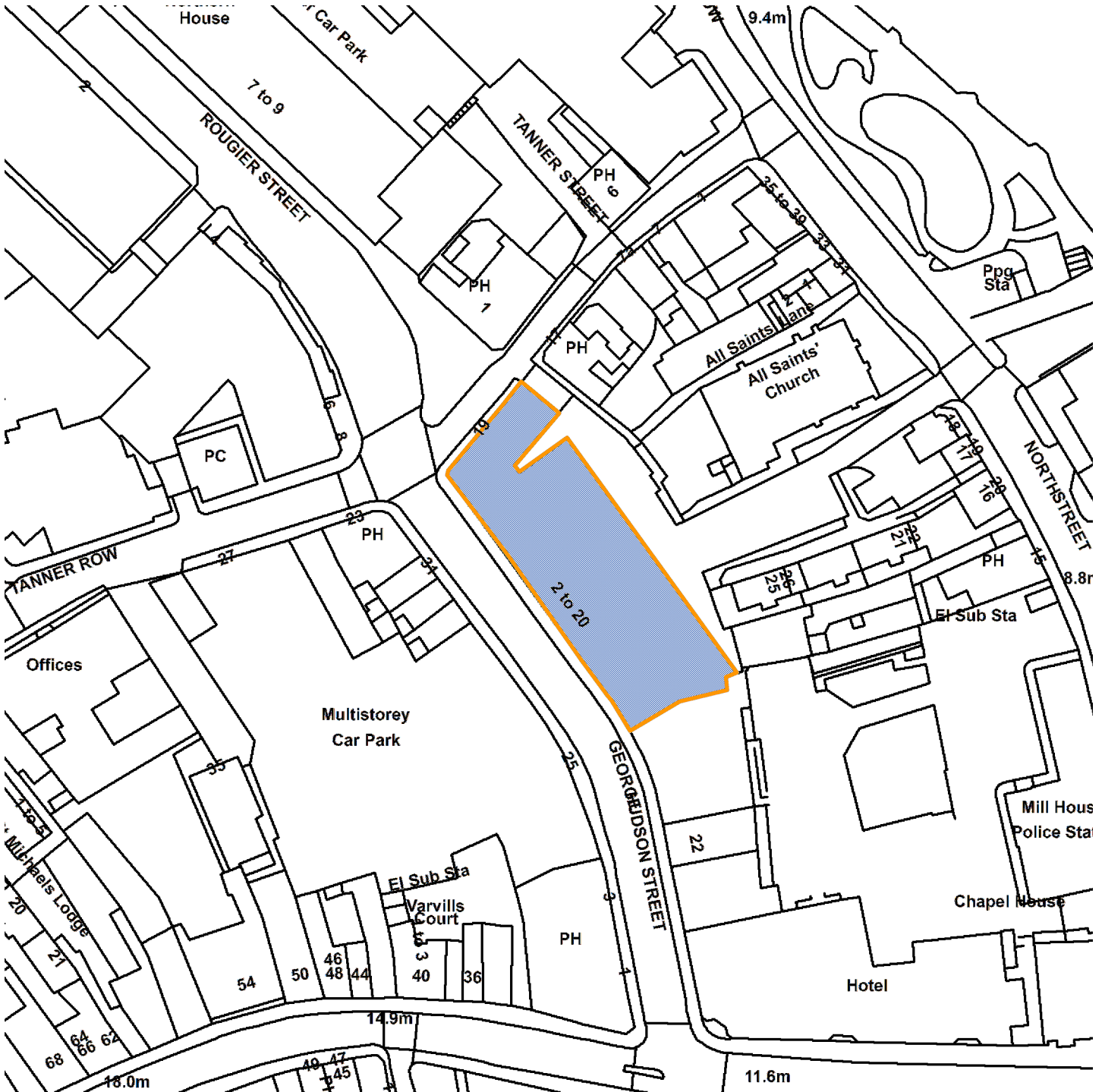
**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

This page is intentionally left blank

14/01384/LBC

2-14 George Hudson Street



Scale : 1:1059

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>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	09 March 2015
<b>SLA Number</b>	Not Set

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 19 March 2015      **Ward:** Skelton, Rawcliffe, Clifton  
Without  
**Team:** Major and      **Parish:** Skelton Parish Council  
Commercial Team

**Reference:** 14/01478/OUTM  
**Application at:** Del Monte Skelton Park Trading Estate Shipton Road Skelton York  
**For:** Residential development for up to 60 dwellings  
**By:** Del Monte Fresh Produce (UK) Limited  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 25 September 2014  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 This application was deferred from the January Committee (22.01.20115); Councillors had expressed concern regarding the pedestrian crossing over the A19, and requested the application be deferred for the consideration of a signalised crossing. Since that meeting the agent has submitted a revised road layout together with justification for why a signalised crossing is not required in this location. The revised road layout and the supporting Technical Note submitted by the agent have been sent out for consultation.

1.2 This report will assess the revised road layout only, as there have been no changes in circumstances requiring updates in relation to the other issues. The original committee report is [attached at Appendix A], and sets out the constraints of the site and the assessment of the proposal. Both reports should be read together.

1.3 Access is to be determined at this stage, as it is not reserved for subsequent approval. A revised layout has been submitted. The proposed detailed road works within the layout are indicative, and elements may be subject to alterations once a road safety audit has been completed. It is expected that any alterations to the detailed road works can be accommodated within the revised layout, and would only be minor in nature. The indicative details show an island (approximately 87 metres in length and 11 metres in width) in the middle of the A19, the north and south bound carriageway sweeping around to either side, the acceleration lane from Fairfield Drive would be removed. The accompanying Transport notice outlines the available types of crossing facility and the suitability (or otherwise) of their use at the proposed location. Various Department for Transport (DfT) Advisory Leaflets, Technical Notes and other reports have been reviewed in the preparation of the Technical Note. Commuted sum payments for these highway improvements can be secured by way of S106 agreement, and final details can be required to be submitted by imposing a planning condition.

1.4 Re-consultation on the revised scheme has taken place; the consultation period ends 11 March 2015.

## 2.0 POLICY CONTEXT

2.1 Development Plan draft Local Plan approved for Development Control purposes (2005):

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYSP2 The York Green Belt

CYSP3 Safeguarding the Historic Character and Setting of York

CYSP6 Location strategy

CYSP8 Reducing dependence on the car

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CYGP11 Accessibility

CYGP13 Planning Obligations

CGP15A Development and Flood Risk

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3 Water protection

CYNE7 Habitat protection and creation

CYNE8 Green corridors

CYGB1 Development within the Green Belt

CYT2B Proposed Pedestrian/Cycle Networks

CYT4 Cycle parking standards

CYT5 Traffic and pedestrian safety

CYT7B Making Public Transport Effective

CYT7C Access to Public Transport

CYT13A Travel Plans and Contributions

CYT20 Planning agreements

CYH2A Affordable Housing

CYH3C Mix of Dwellings on Housing Site

CYH4A Housing Windfalls

CYH5A Residential Density

CYE3B Existing and Proposed Employment Sites

CYED4 Developer contributions towards Educational facilities

CYL1C Provision of New Open Space in Development

CYNE1 Trees, woodlands, hedgerows

### **3.0 CONSULTATION RESPONSES TO THE REVISED ROAD LAYOUT**

#### **INTERNAL CONSULTATIONS**

##### **HIGHWAY NETWORK MANAGEMENT – No objections**

3.1 The applicant's highway consultants subsequently produced a Technical Note which outlines the available types of crossing facility and the suitability (or otherwise) of their use at the proposed location. Various Department for Transport (DfT) Advisory Leaflets, Technical Notes and other reports have been reviewed in the preparation of the Technical Note (TN).

3.2 The contents of the TN have been agreed by officers who concur with its outcome.

3.3 The TN identified:

- a) Existing 85th percentile vehicles speeds of 50-51mph
- b) Moderate to high traffic flows of 30,371 Average Annual Daily Traffic
- c) Low pedestrian demand, even when taking into account the proposed development which is estimated to generate 1 pedestrian crossing movement every 3 minutes during the peak highway period. Outside of the AM and PM peak periods the crossing would be used infrequently. It is also highlighted that these movements are likely to be in groups and therefore the time period between pedestrians crossing is likely to be significantly higher

3.4 The existing situation/figures as set out above were then used to assess the different types of crossing facility;

- a) Signalised crossings require high pedestrian demand
- b) Zebra crossings require speeds below 35mph
- c) Refuge Islands act as traffic calming features in higher speed areas and are ideal for low pedestrian demand.

3.5 The appraisal has demonstrated that key criteria have not been met to justify the need for a signal controlled crossing to be installed, specifically given the likely low level of pedestrian activity and irregular periods of use.

3.6 The appraisal identifies that the most suitable solution would be to provide engineering measures to alter the environment around the site access and Fairfields Road junctions and enhance the existing uncontrolled pedestrian crossing facilities including:

- a) Removal of the acceleration/deceleration lanes into Fairfield Drive which will enable the alignment of the A19 to be altered and carriageway width reduced to assist in lowering vehicle speeds. Physical measures such as these are more effective in restraining vehicle speeds than the use of/setting of unrealistic speed limits

- b) narrowing of the carriageway, which reduces the crossing distance for pedestrians
- c) provision of a sole crossing point, on the strongest desire line
- d) providing a widened refuge island, which gives more space for pedestrians away from live traffic

3.7 All of these measures in combination will assist in reducing the average crossing time and difficulty, improve footway provision, reduce vehicle speeds and reduce carriageway width.

## **EXTERNAL CONSULTATIONS/REPRESENTATIONS**

POLICE TRAFFIC MANAGEMENT OFFICER – Object

3.8 Requires a Road Safety Audit, which has not been (Officer Note: Condition 14 requests a Road Safety Audit)

3.9 States the revised road layout as submitted should not be built, unless a 'no right turn' out of Skelton onto the A19 north bound, were implemented by physical means (i.e. total hard central kerbing for a given distance). The right turn from the village to travel north along the A19 lacks any visibility for traffic travelling along the A19 north bound.

3.10 The current road will cause 'community severance', which will not go away, cannot be controlled by a reduction in the speed limit and the building of a formalised crossing. The A19, as is any other road in the country of this type, difficult to cross for pedestrians and there is no safe way for this to be achieved without total separation of pedestrians from the road infrastructure.

3.11 Not aware that the previous Technical Note of 31<sup>st</sup> January 2015, issued by Opus has been withdrawn, as there are serious challenges connected with that document which have not been explored.

SKELTON PARISH COUNCIL

3.12 No comments received at the time of writing the report, comments will be reported at the committee meeting

3.13 SKELTON VILLAGE TRUST

- States that the technical report makes no reference to the traffic flow from Fairfields Drive or the issues this will create. Data available to the Village Trust from 1999 would indicate that 5400 vehicles may turn left onto the A19 during the week. A change from an acceleration lane to a stop and go junction seems a step backwards.



- The revised layout will reduce the visibility of traffic approaching the junction. From the North this will be the angle of the carriageway and from the South due to the planting on the central reservation
- The drawing indicates the parking area at the bus stop would be about 1m wide and the carriage way 3.2m.
- The hazards remain the same but the risks have increased significantly.

## REPRESENTATION OF OBJECTION

3.14 One written representation making the following points

- Have concerns with regard to the access to and egress from Fairfields Drive. The removal of the acceleration and deceleration lanes will not only make the situation more difficult, it is also likely to be more dangerous.

## REPRESENTATIONS MAKING OTHER COMMENTS

3.15 One representation as summarised below

- Request confirmation that the speed limit will be reduced to 40mph given the substantial changes proposed to the A19 layout.
- Confirmation that the erection of a 2 Metre high solid timber fence along the A19 boundary to provide noise reduction to the proposed gardens which will face onto the A19, will not introduce the problem of reflected noise or canyon effect to the properties on Burtree Avenue which also face onto the A19, and similarly any detrimental effect from reflected noise caused by raised landscaping on the central verge. This problem would be largely mitigated if the speed limit was reduced to 40mph. (Officer note: the acoustic fence is not conditioned for the reasons set out in the original committee report)
- The properties on Burtree Avenue are detrimentally affected by vibration caused by HGV's and large agricultural vehicles travelling over the 50mph rumble strips on the A19. Request that the rumble strips are not renewed.
- Whilst the revised technical report does not recommend the installation of a controlled crossing, would support the planning committee's suggestion that one be considered, primarily to allow any children walking or cycling to Skelton Primary School from the new development to do so by a safe means of crossing the road, again a speed reduction to 40mph would reduce concerns raised in relation to vehicle accidents. Such a controlled crossing could be time controlled in relation to school hours as the crossing at Shipton village further along the A19.

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

14/00330/EIASN - Request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed 60 - 65 dwelling residential scheme - NOEIA

## KEY ISSUES

### 1. Traffic, Highway and Access Issues

## ASSESSMENT

### TRAFFIC, HIGHWAY AND ACCESS ISSUES

4.1 The National Planning Policy Framework states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport. Policy SP8 of the Development Control draft Local Plan (2005) seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice. These 2005 draft local plan policies are considered to accord with the aims of the NPPF. The Skelton Village Design Statement states that development should have safe access to and exit from the A19 (11).

4.2 The NPPF (para 32) states that decisions should take account of the following:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.3 The York Development Control Draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.4 Policy GP11 'Accessibility' of the Development Control draft Local Plan (2005) states that in order to achieve satisfactory access to new development, planning applications will be required to demonstrate that suitable provision will be made for access and facilities for people with mobility problems, sensory impairment, and carers with children.

4.5 At the January committee meeting Councillors expressed concern that the above works would not be sufficient to allow all pedestrians safe access across the road.

4.6 The proposed development is expected to generate 18 walking trips during the peak hour periods (08.00 – 09.00 and 17.00 – 18.00) with an estimated weekday average of 176 pedestrian trips. As such it is considered to be a low level of pedestrian activity with irregular periods of use.

4.7 The agent states that the transport guidance such as Local Transport Note 1/95: The assessment of Pedestrian Crossings; advises that signalised crossings may be installed where vehicular speeds are high and high pedestrian flows are also present, but specifies the preference for the local environment not to have high vehicular speeds. The definition of 'high level of activity' in this instance is considered to be a general continuous use of the crossing desire line. The expected pedestrian demand generated by the proposed development, during peak hour periods, is estimated to be in the order of 18 pedestrians. This in turn equates to one pedestrian crossing movement every 3 minutes. Pedestrian movements outside of these peak hours would be expected to be significantly lower. Although experiencing periods of moderate demand, it is argued that there would be periods during the day when the crossing would be used infrequently. They support this argument by supplying police accident statistics, illustrating a trend toward increased levels of accidents where traffic speeds are high in context with the local area, and pedestrian demand is low. Although the statistics refer to speeds of 30mph or less, it follows that accidents are increased along with vehicle speeds. HNM agree with this view. Due to the likely low volume of pedestrian activity, it is therefore considered that a signal controlled pedestrian crossing would not be suitable in this location.

4.8 Local Transport Note 1/95 provides guidance regarding the installation of zebra crossings. The aspects to consider when installing a zebra crossing are discussed as follows: *"Where a crossing is thought necessary but crossing flows are relatively low and traffic flows are no more than moderate, then a zebra crossing may be suitable. Pedestrians establish precedence by stepping onto the crossing and so delays to them are minimal. Vehicle delays are typically five seconds for a single able person crossing but can be much more where irregular streams of people cross over extended periods"*. Where gaps are few, and waiting times long because people feel it may be hazardous to establish precedence, a zebra crossing is likely to be unsuitable. The agent makes the case that where traffic speeds are higher than 30 mph, people will require longer gaps in the traffic flow or be exposed to the risk of more serious injury if precedence is not conceded for any reason. Highways guidance states that zebra crossings should not be installed on roads with an 85 percentile speed of 35 mph or above. The existing 85<sup>th</sup> percentile vehicle speeds in the area are 50-51mph.

4.9 With uncontrolled crossings, as proposed, the agent argues that the narrowing of the carriage way can have the advantage of allowing the footway to be widened and enhancing visibility past permanent obstructions. The agent makes that case that the proposed layout follows transport guidance by: narrowing the carriageway and reducing the crossing distance for pedestrians; provision of a sole crossing point to provide focus; narrowing the carriage way to help reduce traffic speeds; improved depth of refuge island; reduced forward visibility for drivers approaching the crossing, whilst maintaining visibility to and from pedestrians; an uncontrolled crossing puts the responsibility of assessing the risk on the pedestrian

4.10 Highway Network Management (HNM) agree with the conclusions of the Technical Note that the most suitable solution would be to provide engineering measures to alter the environment around the site access and Fairfield Road junctions and enhance the existing uncontrolled pedestrian crossing facilities including:

- a) Removal of the acceleration/deceleration lanes into Fairfield Drive which will enable the alignment of the A19 to be altered and carriageway width reduced to assist in lowering vehicle speeds. Physical measure such as this are more effective in restraining vehicle speeds than the use of/setting of unrealistic speed limits
- b) narrowing of the carriageway, which reduces the crossing distance for pedestrians
- c) provision of a sole crossing point, on the strongest desire line
- d) providing a widened refuge island, which gives more space for pedestrians away from live traffic

4.11 All of these measures in combination are considered to assist in reducing the average crossing time and difficulty, improve footway provision, reduce vehicle speeds and reduce carriageway width. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance. HNM are satisfied with the vehicular turnings within the proposed road layout. If a subsequent safety audit found there were issues, they consider that it would require minor amendments to the indicative scheme that would still be broadly in keeping with the indicative layout proposed. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance. The proposed road layout is considered to comply with Paragraph 32 of the NPPF.

4.12 An application has been received for the adjacent site - Skelton Golf Course for change of use of part of golf course to caravan/camp site for 80 pitches with associated access, facilities and office building. A request by Cllr Watt has been put forward that the highway and pedestrian improvements for both applications should be considered together. However the applicant has a right to have this application determined within the statutory target or agreed timescale, and it would not be reasonable to defer this pending a separate application being processed. Each

application should be dealt with on its own merits.

4.13 The above highway works can be secured through a S106 Agreement.

## **5.0 CONCLUSION**

5.1 Transport guidance highlights the need for engineering measures to change the visual characteristics of the environment. The proposed A19 road layout complies with this guidance and provides a significant change in street scene for both pedestrians and vehicles, providing a safer crossing environment. This includes the reduction of the crossing width from 18.5m to two 3.2m crossing widths. That current guidance considers the installation of a signal controlled crossing on Shipton Road adjacent to the proposed development to be unsuitable.

5.2 The proposed development of the brownfield site for residential development is considered to be acceptable in principle. The submitted additional information is considered to demonstrate why a signalised pedestrian crossing for low level of pedestrian activity and irregular periods of use is not justified in this location, and confirms that the proposed highway network improvements are the most appropriate means of achieving a safer crossing environment. Approval is recommended subject to the completion and signing of a Section 106 agreement covering education contribution, open space, affordable housing, and highway works.

## **6.0 RECOMMENDATION**

- (i) Defer pending completion of a satisfactory Section 106 Agreement to secure the matters set out in paragraph 5.2 above
- (ii) Grant delegated authority to Assistant Director (Development Services, Planning and Regeneration) to approve on completion of the Section 106 Agreement, subject to the following conditions:-

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

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used (hereinafter referred to as "reserved matters").

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

2 The application for approval of all reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority not later than the expiration of

three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

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

Drawing Number J-BO592 Revision R0 received 03 March 2015

Location Plan Drawing Number 13043\_PL01 Revision A received 07 January 2015;

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

4 Detailed drawings shall be submitted for the reserved matters application showing the road and pavement set away from the retained pond, and ensuring that the appearance and health of the pond are not affected by the construction or maintenance of the road and walkway

Reason: To ensure there is no conflict between the access road and pavement and the retained pond.

5 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and the extension to the green wedge as set out in the York Green Belt Appraisal 2003 & Historic Character and Setting Technical Paper (2011).

INFOMRATIVE: Close boarded timber fencing to the north and west boundaries of the site is unlikely to be supported.

6 VISQ8 Samples of exterior materials to be app -

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

The following information shall be submitted with the reserved matters application:

(i) Details to include calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new

development.

(ii) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties shall be submitted. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(iii) Existing and proposed surfacing should be shown on plans.

(iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface watercourse is available. Suitability and capacity of point of discharge should be proven.

(v) If the proposed method of surface water disposal is via infiltration methods, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods are proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment, 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). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Existing connected impermeable areas should be proven by way of drainage and CCTV survey. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. To ensure compliance with City of York Councils Strategic Flood Risk Assessment (2013) and Policy 15a Of the City of York Development Control Local Plan (2005).

8 LAND3 Protection of existing planting -

9 LAND1 IN New Landscape details -

10 HWAY1 Details roads,footpaths,open spaces req. -

11 HWAY7 Const of Roads & Footways prior to occup -

12 HWAY19 Car and cycle parking laid out -

13 HWAY40 Dilapidation survey -

14 HWAY41 Safety Audit -

15 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. The development shall be carried out in accordance with the approved method of works statement. Such a statement shall include at least the following information;

- (i) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- (ii) where contractors will park
- (iii) where materials will be stored within the site
- (iv) measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

16 HWAY34 Completion of the highway -

17 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed within the curtilage of each dwelling. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

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



findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

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

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

Prior to first occupation or use, the above remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

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

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the aforementioned remediation scheme a verification report must be prepared, shall be submitted to and approved in writing by the Local Planning Authority.

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

21 Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of visual amenity, to prevent light disturbance and nuisance

22 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

23 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

24 Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

Informative:

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

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

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. All monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on whether or not artificial lighting will be provided on site during the development of the site and also include hours of operation. Mitigation measures to ensure that there is no loss of amenity to neighbours due to light pollution should also be detailed.

In addition the CEMP shall set out details of the complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (ie investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

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

Reason: To protect the amenity of neighbouring residents during the construction phase of this development

26 Except in case of emergency, no construction operations which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

27 During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

28 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six

weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

29 If following the carrying out of the archaeological evaluation required by Condition 28, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

## **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:

- Request revised plans and further information
- Section 106 Legal agreement
- Use of conditions

### **2. LEGAL AGREEMENT**

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

### **3. INFORMATIVE**

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

#### 4. INFORMATIVE:

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

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

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

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

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

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

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

(f) There shall be no bonfires on the site

#### 5. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the  
Application Reference Number: 14/01478/OUTM      Item No: 4c

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:

Section 38/278 - Michael Kitchen (01904 551336)

6. 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.

**Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

**Annex A – Previous Committee Report (22.01.2015)**

**Date:** 22 January 2015      **Ward:** Skelton, Rawcliffe, Clifton  
Without

**Team:** Major                      and **Parish:** Skelton Parish Council  
Commercial Team

**Reference:** 14/01478/OUTM

**Application at:** Del Monte Skelton Park Trading Estate Shipton Road Skelton York

**For:** Residential development for up to 60 dwellings

**By:** Del Monte Fresh Produce (UK) Limited

**Application Type:** Major Outline Application (13 weeks)

**Target Date:** 25 September 2014

**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 The application seeks outline consent for the use of the site for residential development for up to 60 dwellings. All matters are reserved except access. The site has previously been used as a factory, which was demolished last year. The site is within the Skelton settlement envelope as shown in the Proposals Maps for the Development Control Local Plan (2005). It is sited to the west of the A19, with the rest of the village sited to the east of Shipton Road. The site is not allocated for housing in the Development Control Local Plan (2005) or the recently halted draft Local Plan (2013).

1.2 The site in question is within the red line, the applicant has the land to the west in their ownership however this is Green Belt. The land to the north is used as a golf course. The land to the south and east is housing, and land to the south and west are fields. The extension of the proposed site (within the red line) is 2.29 hectares including a pond within the site, adjacent to the A19; which is shown as being retained. The site is within Flood Zone 1, it is not within a conservation area, and there are no listed buildings in close proximity.

1.3 Revised plans and information have been submitted, the number of dwellings have been revised from 65 to 60. In addition revised plans have been submitted showing open space proposed within the site and the boundary altered to take account of the greenbelt.

1.4 The site was subject to a request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (14/00330/EIASN). It was concluded that an Environmental Impact Assessment was not required. The proposed development does not comprise



'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the Regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment was not required.

1.5 It is understood that the agents undertook community involvement once the application was submitted, and that the agent made a presentation to the Parish Council on 28th August 2014. No information was received as to the feedback from the presentation. No statement of community involvement has been submitted or other information regarding details of community engagement.

1.6 Pre-application discussions with Council Planning Officers took place regarding the principle of development on the site.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYSP6 Location strategy

CYSP8 Reducing dependence on the car

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CYGP13 Planning Obligations

CGP15A Development and Flood Risk

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3 Water protection

CYNE7 Habitat protection and creation

CYNE8 Green corridors

CYGB1 Development within the Green Belt

CYT2B Proposed Pedestrian/Cycle Networks

CYT4 Cycle parking standards

CYT5 Traffic and pedestrian safety  
CYT7B Making Public Transport Effective  
CYT7C Access to Public Transport  
CYT13A Travel Plans and Contributions  
CYT20 Planning agreements  
CYH2A Affordable Housing  
CYH3C Mix of Dwellings on Housing Site  
CYH4A Housing Windfalls  
CYH5A Residential Density  
CYE3B Existing and Proposed Employment Sites  
CYED4 Developer contributions towards Educational facilities  
CYL1C Provision of New Open Space in Development  
CYNE1 Trees, woodlands, hedgerows

### **3.0 CONSULTATIONS**

#### **INTERNAL CONSULTATIONS**

##### **HIGHWAY NETWORK MANAGEMENT**

3.1 No objections are raised based upon the revised Technical Note and accompanying revised plan (drwg no. J-B0592.00 001 Rev3). The Travel Assessment assumes a development of 65 residential units. Based upon the nationally recognised TRICS database a residential development of this number of units can be expected to generate in the region of 35 vehicle movements in the AM/PM peak hours respectively. This equates to a little over 1 additional vehicle every 2 minutes and will not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent highway network. The operation of the proposed junction has been analysed using nationally recognised software. This analysis has demonstrated that the junction will continue to operate satisfactorily and can accommodate the level of traffic generated by the development.

3.2 The main vehicular access into the development is to be taken from the A19 by utilising the existing site access. This access will be modified to reduce its width from a commercial standard to that more appropriate for a residential development and provide new kerbing. The access modifications enable the access to be slightly relocated further north thus increasing the distance between the site access and the existing adjacent residential access road.

3.3 Right turning traffic into the site will continue to have the benefit of the right turn ghost island. The slight relocation of the site access also have the benefit of increasing the length and separation of the right turn ghost island serving the existing adjacent residential access road. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance.

3.4 The accident history for this section of the A19 has been investigated and has not identified any patterns or clusters of accidents that could be anticipated to increase or be exacerbated by the proposed development.

3.5 Whilst the internal layout will be subject to future reserved matters applications it is anticipated that the scheme will be designed and constructed to CYC standards as a shared space varying between 4.5m and 6m wide and subsequently offered for adoption as publicly maintainable highway. In line with other developments the internal layout will be designed to Manual for Streets guidance with design measures to restrain vehicle speeds to 20mph or below.

3.6 Currently the A19 creates severance between the facilities within Skelton and adjacent walking/cycling/public transport infrastructure and the site. The nature of the A19 in terms of traffic volumes and speeds leads to a car dominated environment. The site is approximately 600m, which represents a 7 minute walk, to local facilities within Skelton. Such a walking distance is within recommended national walking distances. Inbound and outbound bus stops are within a short distance of the site entrance onto the A19 and are served by regular services. Rawcliffe Bar P&R is in the region of 1600m which is a 15 minute walk offering high frequency services into the city centre.

3.7 In order to improve the linkages between Skelton and the site officers have negotiated a package of works with the applicant. Such a package of highway works are considered to be appropriate to the scale of development and reduce the severance created by the A19. The highway works will be secured through a S106 Agreement and implemented to CYC specifications through agreement under the Highways Act. Whilst the site can be considered to be challenging in terms of sustainable travel the package of highway measures provided through the scheme will maximise and incentivise non car accessibility in accordance with local and national planning and transportation policies.

3.8 Request: Hwy 1, Hwy 7, Hwy 18(car and cycle), Hwy 19, Hwy 40, Hwy 41, Hwy 39 (Highway works as indicatively shown on drawing J-B0592.00 001 R3), Method of Works, INF 1(S38), INF 1(S278), INF 2

## ENVIRONMENTAL MANAGEMENT

### LANDSCAPE

3.9 The York Landscape character appraisal places the village of Skelton within character area 8 'Flat diverse arable farmland'. The site sits just within this character boundary tight up against the adjacent character boundary type 9 'River Ouse flood plain', which has a strong influence on this western side of the A19.

3.10 The landscape character and pattern of development is very different on either side of Shipton Road. The A19 is a dividing element that provides a strong definition of the western extent of the village core. The proposed layout is reflective of the most recent extensions to Skelton village; this is less appropriate for the west side of the A19, which has a more commercial aspect to it that relates to the A19 and the parkland/estate setting that stretches down to the river Ouse. The residential element is low density and has a close relationship with the countryside relating to the Ouse corridor.

3.11 Given the lack of linkages, other than in and out of the main entrance, it is important for the open space to be provided on site, which is likely to be of benefit solely for the immediate residents. The open space provision should be provided within the area of previously developed land. Otherwise recreational facilities often result in a change of character with the risk of becoming progressively formalised over time.

3.12 It is important to retain the existing vegetation around the perimeter both within and adjacent to the site. Therefore as much as possible should be contained within open space or road side verges in order to prevent gradual removal were it to be contained in rear gardens. Similarly tall garden fencing should be avoided around the exposed perimeters. The proposed perimeter road at the western end of the site lends itself to this concept. The Poplars within the golf course will pose a restriction on the proximity of properties to this edge due to concerns over safety, and shade, and subsidence due to the characteristics of the species. A number of the proposed dwellings are likely to be far too close to these trees.

3.13 In terms of visual impact on the wider landscape, residential use on the site would be acceptable provided the retention and supplementation of existing vegetation were compatible with reasonable dwelling and garden use, and there would be no threat of incremental degradation of the perimeter landscape.

3.14 It would be preferable to utilise the existing roadway at the entrance to avoid encroaching into the pond environment. In order to create a complete and attractive frontage, the landscape treatment should continue on both sides of the entrance.

3.15 Whilst the site largely consists of hard-standing, the topography potentially lends itself to the incorporation of sustainable urban drainage systems, the detailed manifestation of which could be used to complement the rural context of the site.

3.16 Any detailed application should include a topographical survey and a tree survey of the entire site, including any trees immediately outside the site boundary.

3.17 In order to be of a suitable character for the green wedge, housing density may be lower than expected and there should be greater incorporation of open space and opportunities for large-species tree planting to complement the development

and marry it with its context. The pond and its environs should be retained and enhanced. Street lighting should be kept to a minimum.

## ECOLOGY

3.18 The pond on site is shown on the first edition OS Maps (1846 -1901). This, and a further one south west of the site have been assessed and surveyed for the presence of great crested newts in spring 2014. The amphibian survey has been undertaken within the optimum survey period and to best practice methodology. No great crested newts and low numbers of smooth newt, common frog and common toad were recorded.

3.19 A number of trees on site have been identified as having potential to support roosting bats and the main of the site assessed to have low value for foraging bats. The pond, mature trees and land to the west of the site are likely to provide the best habitat for foraging and commuting bats. The current proposals do not impact on any of the trees which have been identified as suitable for bats however if this were to change then further surveys would be required.

3.20 Information in the design and access statement and a review of historic maps suggests that the land to the west of the site has remained as pasture for an extended period of time. This could indicate that it has potential to be of botanical interest. The Phase 1 Habitat Survey undertaken by Brooks Ecological describes it as rough neutral grassland (poor MG9). This survey was undertaken in mid-February, outside of the optimum survey season for habitats (April - September). On our site visit it was not possible to access this piece of land.

3.21 The proposals include the retention of the pond and the land to the west of the site. The retention of the northern boundary would provide some linkage between the pond and the land to the west however it is difficult to tell how wide this area is or how permeable it would be for wildlife. Aside from this there does not appear to be any linkages of semi-natural habitat through the site, which would enhance the wildlife value of the pond and surrounding trees.

3.22 It has been suggested that part of the western land is used as public open space. If this were to involve conversion to amenity grassland, play area, playing pitch etc a more detailed botanical survey, at the optimum time of year should be undertaken to ensure species rich grassland is not being lost. As suggested there is good opportunity to enhance this area for biodiversity through appropriate management.

## SUSTAINABILITY

3.23 As the applicant is not the developer, need to ensure that a detailed full sustainability statement is received at the reserved matter stage. In particular will need to look to condition any domestic homes built to achieve Code level 3. The

detail therefore needs to be dealt with at the reserved matter stage once the developers and plans are more known.

## ARCHAEOLOGY

3.24 - This site lies outside the Area of Archaeological Importance but in an area where there are undesignated heritage assets relating to human activity in the prehistoric, Roman, and medieval periods. Agree with the conclusions of the Archaeological Report that further on site works will be required, and request that the works are sought via a condition.

## FLOOD RISK MANAGEMENT TEAM

3.25 There is insufficient information provided by the applicant, information should be provided to determine the potential impact of the proposals on the existing drainage system and downstream watercourse. Specified the type of information required

## ENVIRONMENTAL PROTECTION UNIT

3.26 No objection. A noise impact assessment was submitted with the application and indicates that the Council's specified noise levels within gardens and the proposed dwellings of : 30dB(A) Leq 8 hour 23:00 to 07:00 and Lmax 45dB(A) in bedrooms; 35dB(A) Leq 16 hour (07:00 to 23:00) in habitable rooms; and 50dB(A) Leq 16 hour (07:00 to 23:00) in gardens (if provided) can be achieved through the provision of standard glazing and a circa 2 metre high solid timber fence along the northern eastern part of the application site where gardens 'back-onto' the A19 Shipton Road.

3.27 Former activities at the site could have given rise to land contamination and the contaminants of most concern include heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), asbestos and ground gas. The report recommends that a site investigation should be undertaken to find out whether land contamination is present and would agree with this recommendation. If contamination is found, please note that appropriate remedial action will be required to ensure that the site is made safe and suitable for its proposed use. Confirm that the report is acceptable and have no objection to the proposed development subject to conditions.

3.28 The applicant has undertaken a DMRB air quality screening assessment to establish the likely impact of the scheme on local air quality. The screening assessment has indicated that there is a negligible impact on air quality (imperceptible change in pollutant concentrations) as a result of the additional traffic movements associated with the operation of the development in future years.

3.29 In line with the Council's adopted Low Emission Strategy and the National Planning Policy Framework (NPPF), developers are required to demonstrate that they are making all reasonable efforts to minimise total emissions from development sites during both construction and operational phases. This will include ensuring the energy choices for heating and powering the buildings are the right ones for both carbon/CO<sub>2</sub> and local air quality emissions (NO<sub>x</sub>/Particulate Matter) and requirements to promote and incentivise the use of low emission vehicles on the site to reduce the overall emission impact of development related traffic (e.g. provision of electric vehicle recharge points, provision of low emission delivery vehicles). To meet the developers emission obligations under the NPPF and the York LES it is recommended that where new residential properties include private parking facilities (e.g. garage space, driveways etc) the provision of a 13 amp electrical socket in a suitable location to enable the charging of an electric vehicle using a 3m length cable will be required. This should be secured by means of a planning condition

3.30 Request conditions regarding acoustic noise barrier, CEMP, contamination, and vehicle recharging socket

#### ECONOMIC DEVELOPMENT UNIT

3.31 No objections. Whilst would rather see the site used, as previously, for employment land, understand that it has been marketed for this purpose and received limited, unworkable interest.

#### COMMUNITIES AND CULTURE

3.32 Without knowing the type and number of dwelling proposed within the outline application it is not possible to establish how much open space should be required on site.

3.33 The A19 is a significant barrier for children and families; therefore it is important that recreational open space is provided within the development. Accordingly at reserve matters stage the applicant must provide all the necessary onsite play and amenity space as currently required under L1c. Would accept that sports provision will be off site and a payment will need to be made in accordance with the rates published within L1c.

#### HOUSING STRATEGY AND DEVELOPMENT

3.34 Request that S106 agreement secures the current policy position:

- A minimum of 20% of the total homes on the scheme should be affordable if a reserved matters approval is implemented within 3 years of the date of the outline consent. 70% of these will be social rented and 30% discount sale tenure. This will be fixed for 3 years, after which the policy current at the time will apply. If a reserved matters approval is implemented more than 3 years

after the date of the outline consent, than the affordable housing required shall meet the Council's then current affordable housing target for brownfield sites calculated in accordance with the Council's most up to date dynamic viability model.

- The affordable houses will be 'pepper-potted' evenly throughout the development, with no more than two affordable houses placed next to each other. Different tenures should also be evenly distributed throughout the site.
- Any affordable flats shall be distributed evenly throughout the blocks by the same principle.
- The only exception to this is where agreement is made with the Registered Provider to offer a whole block for the purpose of better housing management. In this case, the block(s) will be not be of excessive size and if there are multiple affordable blocks they will not be located directly next to one another.
- Smaller house types should not be clustered together within the development where doing so would make the above principles unachievable.
- The affordable provision will be pro rata across different house sizes and house types. No more than 50% of any one house or flat type should be affordable.
- Car parking and bicycle storage must be included at no charge with the affordable housing, in a proportionate ratio to their market provision.
- If the development is phased, each phase should comply with the above.

3.35 At Reserved Matters stage, these principles will inform two documents which enact the principles included in the Section 106 agreement:

- An affordable housing plan, detailing the layout of all affordable housing
- A phasing plan (if relevant), including timescales for affordable housing delivery.

3.36 Written agreement on these must be reached before any building on site can commence.

## FORWARD PLANNING

3.37 The applicant has marketed the site for 6 months and provided evidence which seeks to demonstrate that the site is no longer required for employment use. Subject to views from EDU on the submitted evidence, an alternative use for the site could therefore be considered acceptable.

3.38 The proposed development area falls entirely within the settlement boundary and therefore green belt policies would not apply.

3.39 The site has been identified as an extension to the green wedge between Poppleton and Skelton in the Green Belt Appraisal (2003) and as such any proposals would need to demonstrate that development on the site as a whole



would not cause harm to purposes of green wedges. These include preventing the lateral coalescence of different parts of the urban area and retaining the distinctive characteristics of earlier periods of individual settlements. Green wedges also bring a feeling of the countryside within a close proximity to the centre of the city. Their open nature allows views of the city to be enjoyed including important vistas towards the Minster.

3.40 The applicant has not submitted evidence addressing the impact on the green wedge, such as views, its relationship to neighbouring developments and details on landscaping. Whilst it is accepted that this is an outline application, whether the site can be developed in a way which would not be harmful to the green wedge is a critical consideration in terms of the principle of development and therefore should be satisfied that this can be achieved.

3.41 As highlighted in Policy H5a and Policy H4 the scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity. In this case it would particularly need to consider impact on the green wedge and surrounding green belt. The applicant is proposing a density of 27dph, which broadly reflects the rural density of 30dph proposed in Policy H4.

3.42 Work is ongoing in demonstrating a framework compliant 5 year housing land supply which will be considered at such a time as the City of York Local Plan is submitted to the Secretary of State and the plan is subject to examination. However, at this time the Council does not currently have a Framework compliant 5 year housing land supply.

## EDUCATIONAL PLANNING

3.43 No educational contribution currently required for local primary and secondary schools. However request formula is added to S106 to allow for changes in roll data

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### POLICE ARCHITECTURAL LIAISON OFFICER

3.44 No objections. States that crime and anti-social behaviour levels within the vicinity of the proposed development are low. The indicative drawing shows many positive aspects which reflect Crime Prevention through Environmental Design principles

3.45 The indicative site plan drawing does not show any area of play within the actual development itself. If an area of play is a requirement, it is important that it is 'designed in' at the outset and not included as an after thought by being tucked away in an unsuitable corner of the site. Placing children's play areas to the rear of

dwellings, or in the corner of a site where it cannot be overlooked, helps to create the conditions for nuisance and antisocial behaviour

3.46 Provides a list of points of consideration for the a more detailed design (reserved matters), and request the Police Designing out Crime Officer is consulted when drawing up the proposals

#### YORKSHIRE WATER

3.47 Request a condition stating that the development be in accordance with the FRA and Drawing J-B0592.00 and that no surface water be added to the public sewer network

3.48 No objections to the proposed separate systems of drainage on site and off site/ No objections to the proposed amount of domestic foul water to be discharged to the public foul water sewer, and no objections to the proposed point of discharge of foul water to the respective public sewer submitted on drawing J-B0592.00 (first issue) dated March 2014 prepared by Opus. The submitted drawing shows surface water proposed to be drained to watercourse via storage/restricted discharge. No land drainage may be connected / discharged to public sewer. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

#### ENVIRONMENT AGENCY

3.49 Provided the proposed development is in accordance with the submitted FRA would have no objections.

3.50 All surface water drainage details must be agreed with City of York Council's drainage engineers. If the proposed development will lead to an input into the IDB drainage system then surface water drainage details must also be agreed with the IDB before development commences.

#### KYLE AND UPPER OUSE INTERNAL DRAINAGE BOARD

3.51 The site drains towards the Board's maintained watercourse known as Hurns Gutter and the Board request details of the surface water discharge proposal for the site

3.52 The Board would request that any surface water discharge be restricted to existing run off rates and would ideally look for a reduction in respect of redevelopment of the site from commercial to residential

3.53 In order to properly consider the application, the Board would need to instruct consulting engineers and would require the applicant to meet the Board's costs in this matter

## FOSS INTERNAL DRAINAGE BOARD

3.54 No objections, states the site of the above development lies outside of the Drainage Board's area. It is not considered that the proposal will have a material impact on the Board's operations.

## HIGHWAYS AGENCY

3.55 Raises no objections

## SKELTON PARISH COUNCIL

3.56 Support the application. Strongly concerned regarding access to and from the proposed site, needs to be carefully designed to minimise traffic risks. The particular issues are the vehicular access out of the site onto the Southbound A19, and pedestrian access for residents on the site to the shop, school and other village facilities.

## 3.57 SKELTON VILLAGE TRUST

- Support principle of the site being redeveloped for housing
- Concerned regarding community cohesions and safe access between the proposed development and the village should be considered
- The Transport report understates the issues and the proposed remedies are inadequate
- Traffic safety issues with regards to speed and exiting and accessing the proposed site
- When raining the residents of the development may travel to the school by car rather than walking, exacerbating the problem
- The Opus report assessment of only 16 (morning peak) and 21 (evening peak) net increase in two way vehicle trips from 65 dwellings is not credible. It is partly based on aspirational plans to encourage residents to walk/cycle/take public transport. These may or may not work to an unknown degree but projected vehicle movement should surely be based on a worst case scenario not on aspiration.
- If residents are to be encouraged to feel part of our community, then easy and safe access is mandatory. Improving existing pedestrian islands on the A19 and footways along Fairfields Drive will not meet the need. Whilst supporting the principle of developing this site for housing we do so with the following qualifications: Pedestrian access across the A19 should be a crossing controlled by traffic lights; The same traffic lights should facilitate vehicle movements into and out of the development, as well as egress from Fairfields Drive; The A19 speed limit should be reduced.

- Take issue with HNM comments, no reference to egress from the site. The vast majority of vehicles leaving the site will be turning right towards York and the ring road. This means crossing the northbound A19 and turning into the southbound. Even with A19 traffic speed reduced to a maximum of 40mph this will be a potentially hazardous undertaking particularly at busy times. One reason for there being few such patterns/clusters is that, to date, there are very few vehicle movements necessitating the crossing of one carriageway and turning into the other. Do not believe that this problem and methods of resolving it have been paid sufficient attention.

## REPRESENTATIONS OF OBJECTION

3.58 6 written representations making the following points:

- Concerned regarding the access road to Fairfield Cottages and that it could become a 'rat run', what controls will be put in place to prevent this
- Concerned regarding the traffic safety of vehicles exiting the proposed site
- Road particularly susceptible to weather conditions
- The data submitted indicated that there has been no fatalities is incorrect
- The eastern part of the site is adjacent to existing dwellings request a hedge or fence to ensure privacy is maintained
- Support the use of the site as residential
- The footpaths to the west of A19 are in poor condition and not adequately maintained forcing pedestrians and cyclists onto the A19
- The changes to the junction do not appear to be well-designed; the speed of traffic does not appear to have been considered
- What controls will be put in place to prevent residents of the proposed development from parking in the road to the front of Fairfield Cottages
- The density and the size of the dwellings and plots is not in keeping with surrounding properties, too dense and too small
- Increase of traffic to the site will result in noise and disturbance to the adjacent dwellings
- Road layout and speed limit should be altered, consideration of turning the road in front of Fairfield Cottages into a cul-de-sac
- Concerned that there would be noise and disruption during construction, and that restrictions are enforced
- Proposed development will impact on existing peaceful community, request additional landscaping to boundaries to limit noise

## REPRESENTATIONS OF SUPPORT

3.59 2 written representations making the following points:

- Request that bungalows are sited behind Fairfield Cottages to prevent a loss of privacy
- Support the use of the brownfield location, and the mix of dwellings

## REPRESENTATIONS MAKING OTHER COMMENTS

3.60 One representation as summarised below:

- Support the residential development of the site but have concerns regarding the noise and disruption during the construction phase
- Concerns regarding the dwelling density and the implications on traffic exiting the site onto Shipton Road together with the impact to the lay-by used by existing dwellings
- Plans show dwellings on smaller plots than surrounding properties
- Concerned that the density of development is an attempt to increase the value of the land without due concern for the village environment
- Concerned that the large amount of vehicles using the site will result in traffic safety issues, suggest traffic lights and pedestrian crossing be part of the planning permission
- Considered that support from the surrounding community may be more forthcoming if the area by the pond on the eastern side of the site and the western green belt area are turned into landscaped public spaces/parks or perhaps common ground/playing fields

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

14/00330/EIASN - Request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed 60 - 65 dwelling residential scheme - NOEIA

### KEY ISSUES

1. Policy Background
2. Principle
3. Density, Scale and Landscape considerations
4. Open space
5. Traffic, Highway, Parking and Access Issues
6. Ecology
7. Sustainability
8. Drainage

### ASSESSMENT

### PLANNING POLICY

4.1 The NPPF sets out the presumption in favour of sustainable development, there are three dimensions/roles to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation and involves

seeking positive improvements in the quality of the built, natural, and historic environment. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

4.2 Planning decisions should aim to ensure that developments will:-

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- establish a strong sense of place, create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- ensure developments are visually attractive as a result of good architecture and appropriate landscaping. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

4.3 Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.4 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.5 Policy GP1 'Design' of the City of York Council Development Control Local Plan 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. This policy is considered to comply with the aims of the NPPF.

4.6 Policy H4a 'Housing Windfalls' of the Local Plan states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.7 The Skelton Village Design Statement sets out a number of guidelines that are pertinent to the proposed development including: Developers of land to the west of the A19 should consider methods of integration with the existing village (6); Plans for new development need to show awareness of, and not dwarf or submerge, the historical past of the village (1); Future development should not increase flooding risk within the village and should incorporate adequate drainage measures for each development (2); The immediate proximity of the surrounding fields, the rich and varied flora and fauna should not be compromised by future development but supported and enhanced by it (3); All proposed development will be required to satisfy Green Belt restrictions outlined in current planning policy documents (4); Future development should maintain the existing social pattern of mixed housing in mutual proximity wherever possible(5); The scale and density of new buildings should reflect and not swamp that of its own and neighbouring properties. (7b) Whilst the use of vernacular materials of brick, timber and clay pantiles is generally desirable, sympathetic, innovative and high quality new design, especially combined with eco architecture, may also be supported (7d). Design Guidelines 8, 9, and 10 provide guidance on the pattern of development, open space, materials and the streetscene

## PRINCIPLE

4.8 The aim of the National Planning Policy Framework is to provide sustainable development, and as such planning should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

4.9 The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The factory was demolished in 2013. The site has been marketed (since December 2013), and the agent states that no viable scheme has come forward; they have submitted details of the marketing and the interest in the site. The NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided (para 22). In addition the agents have made the point that the Authority does not currently have a 5 year housing land supply.

4.10 Policy SP3 'Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York. The site is within an area classified as an extension to a green wedge (York Green Belt Appraisal 2003 & Historic Character and Setting Technical Paper (2011)) which are considered important to the setting of York. However it should be noted that until recently a large factory building occupied much of the site and the use of the site as residential will result in less visual massing and a generally reduced appearance than the previous factory use. As such the use of the site for residential is not considered to have a further impact on the green wedge and the setting of York than the factory building.

4.11 In principle, the proposed use is compliant with both national and local policy. National policy requires Local Planning Authorities to significantly boost housing supply. The site is in an appropriate location for residential development, and is considered to be previously developed land, where policy steers new development.

4.12 The proposed development is for up to 60 dwellings. For a development of 60 dwellings this would provide a density of development of approx 26 dwellings per hectare. This figure is based on the land within the red line including the pond, soft landscaping, open space. This figure is lower than the 30 dwellings per hectare recommended by Local Plan Policy H5a. Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers, this is considered to be consistent with paragraph 73 of the NPPF. As the site is separated from the village by a busy road (A19) the requirement for on-site childrens equipped playspace is considered to be reasonable. The indicative plan indicates some open space adjacent to the pond and within the centre of the site. To allow 60 dwellings on this site together with the open space required for such a development may result in a traditional housing development not being achievable and some flatted developments may be required within the development. The on-site open space requirements would be dependent on the number and type of dwellings as such it can be sought via a S106 agreement. The provision of the informal amenity open space and outdoor sports facilities can be provided on-site, off-site, or via an open space payment and can be



sought through the S106 legal agreement. A maintenance plan for the open space areas would also be required as part of the S106 legal agreement.

4.13 It is a requirement of Policy GP4a of the Local Plan that a sustainability statement is submitted with applications for development. The proposed development should also meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Residential developments should demonstrate that Code for Sustainable Homes Level 3 can be achieved, are that the development can generate at least 10% of its energy demands from low or zero carbon technology. The applicant has made no reference to the generation of 10% of the energy demands from low or zero carbon for the development, or the Code for Sustainable Homes, it is considered that these standards can be secured through planning conditions.

4.14 Currently the A19 creates severance between the facilities within Skelton and adjacent walking/cycling/public transport infrastructure and the site. The nature of the A19 in terms of traffic volumes and speeds leads to a car dominated environment. The site is approximately 600m, to local facilities within Skelton. Such a walking distance is within recommended national walking distances. Inbound and outbound bus stops are within a short distance of the site entrance onto the A19 and are served by regular services. Rawcliffe Bar P&R is in the region of 1600m which is a 15 minute walk offering high frequency services into the city centre. Whilst the site can be considered to be challenging in terms of sustainable travel the package of highway measures provided through the scheme will maximise and incentivise non car accessibility in accordance with local and national planning and transportation policies.

4.15 The proposed development would be set back from the A19 with the retained pond providing a landscape barrier. The applicant originally submitted layouts showing specific dwellings together with a Design and Access Statement indicating the appearance of the development, this was not considered to give sufficient consideration to the context of the site and were not considered to be acceptable. The most recent layout has removed housing plots, however it does show an indicative road layout and broad indication of where the siting would be proposed, it is unlikely that the indicative road layout would be acceptable on the submission of reserved matters.

4.16 The trees to the north of the northern boundary including Poplars provide an element of screening of the proposal, as well as partially screening the adjacent golf course from the proposed dwellings. These trees would act as a constraint to the specific siting of dwellings close to the northern boundary. The applicant has submitted a noise assessment which has a recommendation for a 2 metre high solid timber acoustic fence along the northern eastern part of the application site where gardens 'back-onto' the A19 Shipton Road to protect the residential amenity in the proposed gardens. By virtue of the retention of the pond, the closest dwelling would be 50 metres from the A59. There are a number of dwellings much closer to

the A19. EPU have requested the acoustic fence. However as the site is bounded by the Green Belt the visual impact of a timber fence to this boundary would be very pronounced, negatively impacting on the character of the area. It is unlikely that a timber fence along this boundary would be considered acceptable on the receipt of reserved matters. The impact to residential amenity gardens facing the A19 from road noise can be overcome by an appropriate layout. As such it is not considered that the acoustic fence should be sought via a condition. The appearance, landscaping, layout, and scale are reserved for future approval. The impact on the residential amenity of the occupants of the neighbouring dwellings will be assessed once details of the appearance, landscaping, layout, and scale have been submitted as part of the reserved matters application. As the design of the layout and dwellings are unknown it is not considered that the permitted development rights should be removed at this outline stage, this would be a consideration for the reserved matters application.

4.17 The site by virtue of its previous uses has a number of contamination issues. The applicant has submitted a Phase 1 report of the site and the Environmental Protection Unit is satisfied with these initial details. EPU have requested that additional information regarding the decontamination of the site be sought via conditions.

#### TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.18 The National Planning Policy Framework states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport. Policy SP8 seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice. These local plan policies are considered to accord with the aims of the NPPF. The Skelton Village Design Statement states that development should have safe access to and exit from the A19 (11).

4.19 Concerns have been raised regarding the traffic generation of the proposed development. The development could be expected to generate in the region of 35 movements during the AM and PM peak periods. This equates to a little over 1 additional vehicle every 2 minutes and will not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent highway network. This analysis of the junction operation has demonstrated that the junction will continue to operate satisfactorily and can accommodate the level of traffic generated by the development. The proposed residential use is not considered to result in a significant increase in traffic numbers than the previous factory use.

4.20 The main vehicular access into the development is to be taken from the A19 by utilising the existing site access. This access will be modified to reduce its width

from a commercial standard to that more appropriate for a residential development and provide new kerbing. The access modifications enable the access to be slightly relocated further north thus increasing the distance between the site access and the existing adjacent residential access road.

4.21 Right turning traffic into the site will continue to have the benefit of the right turn ghost island. The slight relocation of the site access also has the benefit of increasing the length and separation of the right turn ghost island serving the existing adjacent residential access road. The accident history for this section of the A19 has been investigated and has not identified any patterns or clusters of accidents that could be anticipated to increase or be exacerbated by the proposed development. The proposed junction arrangement is in accordance with national guidance and offers a suitable width together with visibility to the appropriate guidance.

4.22 Whilst the internal layout will be subject to future reserved matters applications it is anticipated that the scheme will be designed and constructed to CYC standards as a shared space varying between 4.5m and 6m wide and subsequently offered for adoption as publicly maintainable highway. In line with other developments the internal layout will be designed to Manual for Streets guidance with design measures to restrain vehicle speeds to 20mph or below.

4.23 The highway works include;

- a) A financial contribution to be used towards promoting and implementing a traffic order to reduce the speed limit in the vicinity of the site to 40mph
- b) Upgrading of 2 existing pedestrian refuges to the North and South of the site access. The improvements will result in wider refuges creating larger pedestrian holding areas and increased prominence of the refuge.
- c) Provision of pedestrian crossing facilities comprising dropped kerbs, footway works and tactile paving at 4 side road junctions along the main walking route to the facilities in the village of Skelton
- d) A reduction in the length of the A19 Southbound acceleration lane from Fairfields Drive in order to reduce the pedestrian crossing distance over the A19 to a single lane width
- e) Provision of shared pedestrian/cycle facilities to link the site to the existing cycle facilities on the East side of the A19
- f) Relocation and upgrading of the existing Northbound bus stop to include Kassel kerbs, shelter and footway works

4.24 The above highway works can be secured through a S106 Agreement.

4.25 Concern has been expressed that the proposal would result in further competition for parking within the road to the front of Fairfield Cottages, it is considered that the proposed residential development will be able to provide adequate parking provision within the site boundaries.

4.26 Policy NE2 'River and Stream Corridor, Ponds and Wetland Habitats' states that development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. The drawings submitted for the access show conflict between the proposed access road and path and the retained pond. The proposed siting would require a retaining structure for the road which would significantly impact on the health and visual amenity of the pond. Following discussions with the Highways team it is considered that the access road can be sited further to the south than portrayed and therefore removing the conflict and this can be sought via a suitably worded condition. The application is for consideration of the access for the site, not the access road.

## AFFORDABLE HOUSING

4.27 The NPPF requires LPAs to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand, and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.28 The City of York's current policy is that on brownfield sites such as this the minimum affordable housing on-site requirement is 20%. It is expected that 70% of these units will be social rented and 30% discount sale tenure and they will be 'pepper-potted' evenly throughout the development. It is considered that this can be secured through a S106 legal agreement.

## DRAINAGE

4.29 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. The Strategic Flood Risk Assessment (Revision 2) (2013) and Local Plan Policy GP15a: Development and Flood Risk advise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.30 By virtue of the potential to affect neighbouring land and roads it is considered that this information is required to ensure that the proposed drainage method is appropriate and works in this location, it is considered that in this case the information can be sought via condition.

## EDUCATION

4.31 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. Currently the local primary and secondary schools have sufficient space, however this may not be the case

once development has started following approval of reserved matters and therefore it is considered prudent that the criteria could be included within the S106 to allow flexibility.

## **5.0 CONCLUSION**

5.1 The proposed development of the brownfield site for residential development is considered to be acceptable in principle, and approval of this outline application is recommended. Approval is recommended subject to the completion and signing of a Section 106 agreement covering education contribution, open space, affordable housing, and highway works.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:**

- (i) Defer Pending completion of a satisfactory Section 106 Agreement to secure the matters set out in paragraph 5.1 above
- (ii) Grant delegated authority to officers to approve on completion of the Section 106 Agreement, subject to the following conditions:-

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

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used (hereinafter referred to as "reserved matters").

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

2 The application for approval of all reserved matters referred to in Condition 1 above shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

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

Drawing Number J-BO592 Revision R3 received 05 January 2015

Location Plan Drawing Number 13043\_PL01 Revision A received 07 January 2015;

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

4 Notwithstanding the approved drawing the access road to the south of the retained pond shall be sited further away from the aforementioned pond than shown in Drawing Number J-BO592 Revision R3 received 05 January 2015. Detailed drawings shall be submitted for the reserved matters application showing the road and pavement set away from the retained pond, and ensuring that the appearance and health of the pond are not affected by the construction or maintenance of the road and walkway

Reason: To ensure there is no conflict between the access road and pavement and the retained pond.

5 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and the extension to the green wedge as set out in the York Green Belt Appraisal 2003 & Historic Character and Setting Technical Paper (2011).

INFOMRATIVE: Close boarded timber fencing to the north and west boundaries of the site is unlikely to be supported.

6 VISQ8 Samples of exterior materials to be app -

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

The following information shall be submitted with the reserved matters application:

(i) Details to include calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.

(ii) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties shall be submitted. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

- (iii) Existing and proposed surfacing should be shown on plans.
- (iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface watercourse is available. Suitability and capacity of point of discharge should be proven.
- (v) If the proposed method of surface water disposal is via infiltration methods, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods are proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment, 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). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Existing connected impermeable areas should be proven by way of drainage and CCTV survey. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. To ensure compliance with City of York Councils Strategic Flood Risk Assessment (2013) and Policy 15a Of the City of York Development Control Local Plan (2005).

- 8 LAND3 Protection of existing planting -
- 9 LAND1 IN New Landscape details -
- 10 HWAY1 Details roads,footpaths,open spaces req. -
- 11 HWAY7 Const of Roads & Footways prior to occup -
- 12 HWAY19 Car and cycle parking laid out -
- 13 HWAY40 Dilapidation survey -
- 14 HWAY41 Safety Audit -

15 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. The development shall be carried out in accordance with the approved method of works statement. Such a statement shall include at least the following information;

- (i) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- (ii) where contractors will park
- (iii) where materials will be stored within the site
- (iv) measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

16 HWAY34 Completion of the highway -

17 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed within the curtilage of each dwelling. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:



- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

Prior to first occupation or use, the above remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

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

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the aforementioned

remediation scheme a verification report must be prepared, shall be submitted to and approved in writing by the Local Planning Authority.

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

21 Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of visual amenity, to prevent light disturbance and nuisance

22 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

23 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

24 Prior to any works commencing on site, a construction environmental

management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

Informative:

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

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

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. All monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on whether or not artificial lighting will be provided on site during the development of the site and also include hours of operation. Mitigation measures to ensure that there is no loss of amenity to neighbours due to light pollution should also be detailed.

In addition the CEMP shall set out details of the complaints procedure, so that in the

event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (ie investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

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

Reason: To protect the amenity of neighbouring residents during the construction phase of this development

26 Except in case of emergency, no construction operations which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

27 During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

28 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

29 If following the carrying out of the archaeological evaluation required by Condition 28, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

## **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:

- Request revised plans and further information
- Section 106 Legal agreement
- Use of conditions

#### **2. LEGAL AGREEMENT**

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

#### **3. INFORMATIVE**

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be

designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

#### 4. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

#### 5. 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:

Section 38/278 - Michael Kitchen (01904 551336)

6. 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.

**Contact details:**

**Author:** Victoria Bell Development Management Officer

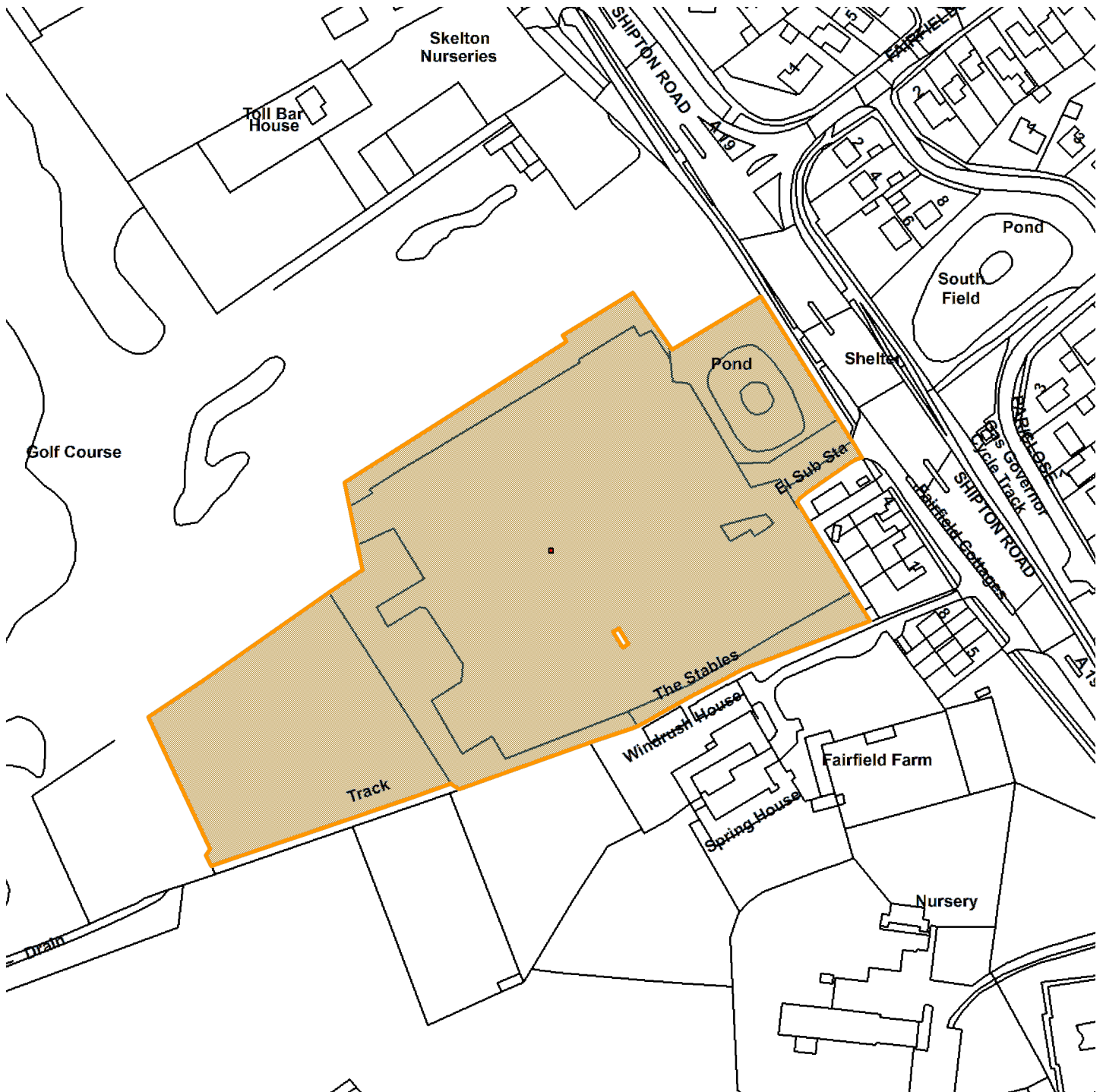
**Tel No:** 01904 551347

This page is intentionally left blank



14/01478/OUTM

Del Monte, Skelton Park Trading Estate, Shipton Road, Skelton



Scale : 1:2119

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>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	09 March 2015
<b>SLA Number</b>	Not Set

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 19 March 2015                      **Ward:** Wheldrake  
**Team:** Major and                              **Parish:** Naburn Parish Council  
                    Commercial Team

**Reference:** 14/02806/FULM  
**Application at:** Naburn Lock Caravan Park Naburn Lock Track Naburn York  
**For:** Change of use of land for touring caravans with associated  
                    amenity building, gas compound and bin store  
**By:** Peter And Catherine Wilkinson  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 30 March 2015  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Naburn Lock Caravan Site comprises a 100 pitch touring caravan site presently subject to a seasonal occupancy restriction on land within the general extent of the Green Belt to the south of Naburn village. Planning permission is sought for change of use of an area of land to the south of the site presently used for caravan and tent rallies for a period of 28 days a year as Permitted Development to house a further 20 formal touring caravan pitches.

**2.0 POLICY CONTEXT**

2.1 Regional Spatial Strategy saved policies:

YH9C

Y1C

2.2 NPPF

Protecting Green Belt Land paras 79, 87,88 and 90.

2.3 Emerging Draft York Local Plan (Publication Draft 2014)  
Policies SS2 and GB1

2.4 2005 Draft Development Plan Allocation:

City Boundary York City Boundary 0001

2.5. Draft 2005 Policies:

CGP15A - Development and Flood Risk

CYV1 - Criteria for visitor related devt

CYGB1 - Development within the Green Belt

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Highway Network Management raise no objection to the proposal.

3.3 Strategic Flood Risk Management were consulted with regard to the proposal on 30th December 2014. No response has been forthcoming at the time of writing.

3.4 Design, Conservation and Sustainable Development raise no objection to the proposal subject to any permission being conditioned to secure wildlife habitat and biodiversity.

#### **EXTERNAL:-**

3.5 The Environment Agency raise no objection to the proposal.

3.6 Naburn Parish Council object to the proposal on the grounds that it is inappropriate development within the Green Belt and therefore intrinsically harmful to its open character, it would lead to a significant increase in traffic on unsuitable rural roads, it would lead to an over-intensification of the development of the site, it would materially harm residential amenity in respect of nearby properties and it would be contrary to the Draft Naburn Village Design Statement.

3.7 The Ouse and Derwent Internal Drainage Board raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

3.8 One letter of representation has been received in respect of the proposal expressing concern in relation to the impact of the development upon the open character of the Green Belt and the potential for a further access point from the site directly on to the B1224 Stillingfleet Lane.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon the setting of Naburn Banqueting House, a Grade II Listed Building;
- Impact upon the residential amenity of neighbouring properties.

### STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th SET OF CHANGES):-

4.2 The York Development Control Local Plan (4th Set of Changes) was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

### PLANNING POLICY CONTEXT:-

4.3 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 establishes the weight to be given to a submitted case to establish "very special circumstances". This clearly argues that when considering a planning application Local Planning Authorities should ensure that substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not be held to exist unless the potential harm by reason of inappropriateness and any other harm are outweighed by other considerations.

4.4 IMPACT UPON DESIGNATED HERITAGE ASSETS:- Central Government Planning Policy in respect of safeguarding the setting of Listed Buildings and other Designated Heritage Assets as outlined in paragraph 132 of the National Planning Policy Framework urges Local Planning Authorities to give great weight in considering the impact of proposed development on the significance of a Designated Heritage Asset, to the Asset's conservation.

4.5 IMPACT UPON RESIDENTIAL AMENITY:- Central Government Planning Policy in respect of amenity as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" urges Local Planning Authorities to give significant weight to the need to secure a good standard of amenity for all new and existing occupants of land and buildings.

#### IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.6 Policy GB1 of the 2005 Draft York Development Control Local Plan sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence.

4.7 The proposal envisages the formal layout of 20 caravan pitches together with the erection of associated amenity buildings within a field presently used for up to 28 days per year for organised caravan/tent rallies. The field presently has an access track and a limited number of service points to enable visitors to access electricity and water, however, the proposal represents a significant formalisation of activity in the field with the laying out of hard surfaces and the construction of the required amenity buildings. This would fundamentally alter its basic character. Paragraphs 89 and 90 of the National Planning Policy Framework outlines a number of types of development both operational and material changes of use which are felt to be appropriate in the Green Belt providing they do not harm its openness. Caravan sites are not expressly included within paragraph 89 or 90 and therefore are by definition harmful to the open character of the Green Belt. An exception exists in respect of facilities for outdoor recreation that are deemed to be appropriate providing they give rise to no additional harm to openness. As a consequence of the prominence of the field relative to the surrounding landscape there would be significant additional harm to the openness of the Green Belt and no case has been brought forward for the need for additional facilities in view of the close proximity of those serving the existing site.

4.8 In order to overcome the usual presumption against inappropriate development within the Green Belt paragraph 87 of the National Planning Policy Framework seeks the submission of a case for "very special circumstances". Furthermore paragraph 88 seeks that such a case must be demonstrated to clearly overcome harm by reason of inappropriateness together with any other harm in order to amount to "very special circumstances". The applicant has submitted a brief case which is based on the presumption in favour of sustainable economic development contained within the National Planning Policy Framework together with the need to

secure the viability of the wider touring caravan enterprise. The National Planning Policy Framework is however very clear that the presumption in favour of sustainable economic development at para 14 does not apply where there is harm to the Green Belt and no detailed viability information has been submitted to accompany the application. An appeal decision in respect of a site at Lathom near Ormskirk in West Lancashire has been submitted in support of the proposal however, local landscape characteristics and operational conditions are fundamentally different and so this may be afforded little if any weight in this case.

4.9 In terms of the specific impact upon the openness of the Green Belt, the site lies on a gently sloping bluff overlooking the River Ouse to the west and is part of a wider landscape of rolling pasture fields incorporating the traditional local boundary treatment of mature trees and lengths of hedgerow. As a consequence of the local topography the site is highly visible in both long and short distance views from the west and north west and as a consequence the proposal to lay it out as a formal caravan site would cause significant detrimental harm to the open character of the Green Belt in that location. The applicant has submitted details of a high degree of landscaping including coniferous species which they feel would largely mitigate its impact upon the open character of the Green Belt. However it is felt that by heavily disrupting the local pattern of field boundaries and by drawing attention to what is clearly a more urban form of development the proposed landscaping would materially harm the open character of the Green Belt. Significant weight is given to the harm to the openness of the Green Belt caused by the proposal in considering this application.

#### IMPACT UPON THE SETTING OF NABURN BANQUETING HOUSE (LISTED BUILDING) :-

4.10 Section 66 of the Planning(Listed Buildings and Conservation Areas) Act 1990 sets out a statutory duty for Local Planning Authorities to have special regard to the safeguarding of the setting of Listed Buildings. This is reflected in paragraph 132 of the National Planning Policy Framework and Policy HE 4 of the York Development Control Local Plan(2005 4th Set of Changes). Naburn Banqueting House is Listed Grade II as an example of the work of the early 19th Century Greek Revival Architect J T Atkinson. It was built as a corporate entertainment venue for the Ouse Navigation Company in 1822 closely to the banks of the River Ouse with gently sloping well landscaped pasture fields behind. The proposal would fundamentally erode the setting of the building by adding inappropriate engineered landscaping structures including roads and the proposed amenity buildings along with the caravans themselves , into the principal view of the building from the west. The proposal would therefore fundamentally compromise the setting of the building. The LPA has a statutory duty under Section 66 to give special regard to this harm when determining the application. Substantial weight should be given to this harm in the assessment of the application. The existing temporary use of the field is fundamentally different, being largely transitory in nature and without the degree of formalisation now proposed. Despite the setting of the Listed Building being a

consideration which is to be afforded substantial weight, the submitted application details fail to mention it.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.11 Policy GP1 of the York Development Control Local Plan sets out a policy presumption in favour of new development proposals which respect or enhance the local environment, are of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance or dominated by overbearing structures. Two residential properties lie directly to the south and to the south east of the proposal. That to the south is some 16 metres from the site and that to the south east is some 28 metres from the site. Concern has been expressed in respect of the impact of the proposal upon residential amenity and the significant increase in the intensity of use would have some detrimental impact upon the amenity of the property directly to the south of the site. The degree of distance is however such that any harm could be effectively mitigated against by the proposed landscaping and this would not in itself be sufficient reason to refuse the proposal.

#### OTHER ISSUES:-

4.12 Concern has been expressed in respect of the impact of additional traffic upon the local rural road network. The proposal would utilise the existing access point which has been designed to accommodate significant volumes including visitors to Naburn Lock itself. It is felt that notwithstanding the likely increase in traffic from the proposal that there is sufficient capacity within the local network to accommodate what would arise.

4.13 Concern has been expressed in relation to the implications of the proposal in relation to the Draft Naburn Village Design Statement. The document is however at a very early stage in production and has not been adopted for Development Management purposes and can therefore only be afforded fairly limited weight in consideration of the current proposal.

### **5.0 CONCLUSION**

5.1 The proposal to change the use of a substantial pasture field to provide an additional 20 caravan pitches with associated amenity buildings represents inappropriate development within the Green Belt which would by definition give rise to significant material harm to its character and openness. In order to overcome the usual presumption against inappropriate development in the Green Belt the applicant must supply a case for "very special circumstances". In this case the applicant has failed to submit a case for "very special circumstances" which fulfils the test identified in paragraph 88 of the National Planning Policy Framework of



overcoming harm due to inappropriateness and "any other harm". Planning permission should therefore be refused due to the harm to the Green Belt..

5.2 Furthermore the application site lies within the setting of Naburn Banqueting House a Grade II Listed Building. The building was designed in the early 19th Century for the entertainment of corporate guests of the Ouse Navigation Company and was intended to be viewed against the backdrop of a rolling natural landscape. The proposal would significantly compromise the setting of the building by introducing alien, urban engineered elements together with inappropriate landscaping to the key views of the building. Such harm is given substantial weight in the determination of this application in accordance with Section 66 of the 1990 Planning(Listed Buildings and Conservation Areas) Act and paragraph 132 of the National Planning Policy Framework. Planning permission should therefore be refused for this reason.

## **COMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposal lies within the general extent of the Green Belt as set out in the saved RSS policies YH9C and Y1C. The application has therefore been considered against the policies in the Framework at Section 9 relating to development in the Green Belt. The proposal constitutes inappropriate development within the Green Belt and is therefore by definition harmful to the openness of the Green Belt contrary to paragraphs 89 and 90 of the National Planning Policy Framework and Policy GB1 of the York Development Control Local Plan(4th Set Changes 2005). The proposed additional buildings do not fulfil the test within paragraph 89 of the NPPF as being appropriate to the use and to the site and the submitted case for "very special circumstances" fails to overcome the test within paragraph 88 of overcoming harm due to inappropriateness and any other Green Belt related harm.

2 The proposal by virtue of its alien, engineered appearance and use of inappropriate landscaping would cause significant detrimental harm to the setting of Naburn Banqueting House, a Grade II Listed building. Such harm is given substantial weight in accordance with Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act , and paragraph 132 of the National Planning Policy Framework. The proposal also conflicts with Draft Policy HE4 of the York Development Control Local Plan (2005, 4th Set of Changes).

## **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 an attempt to achieve a positive outcome:

Sought details of mitigation of impact upon the setting of Naburn Banqueting House.

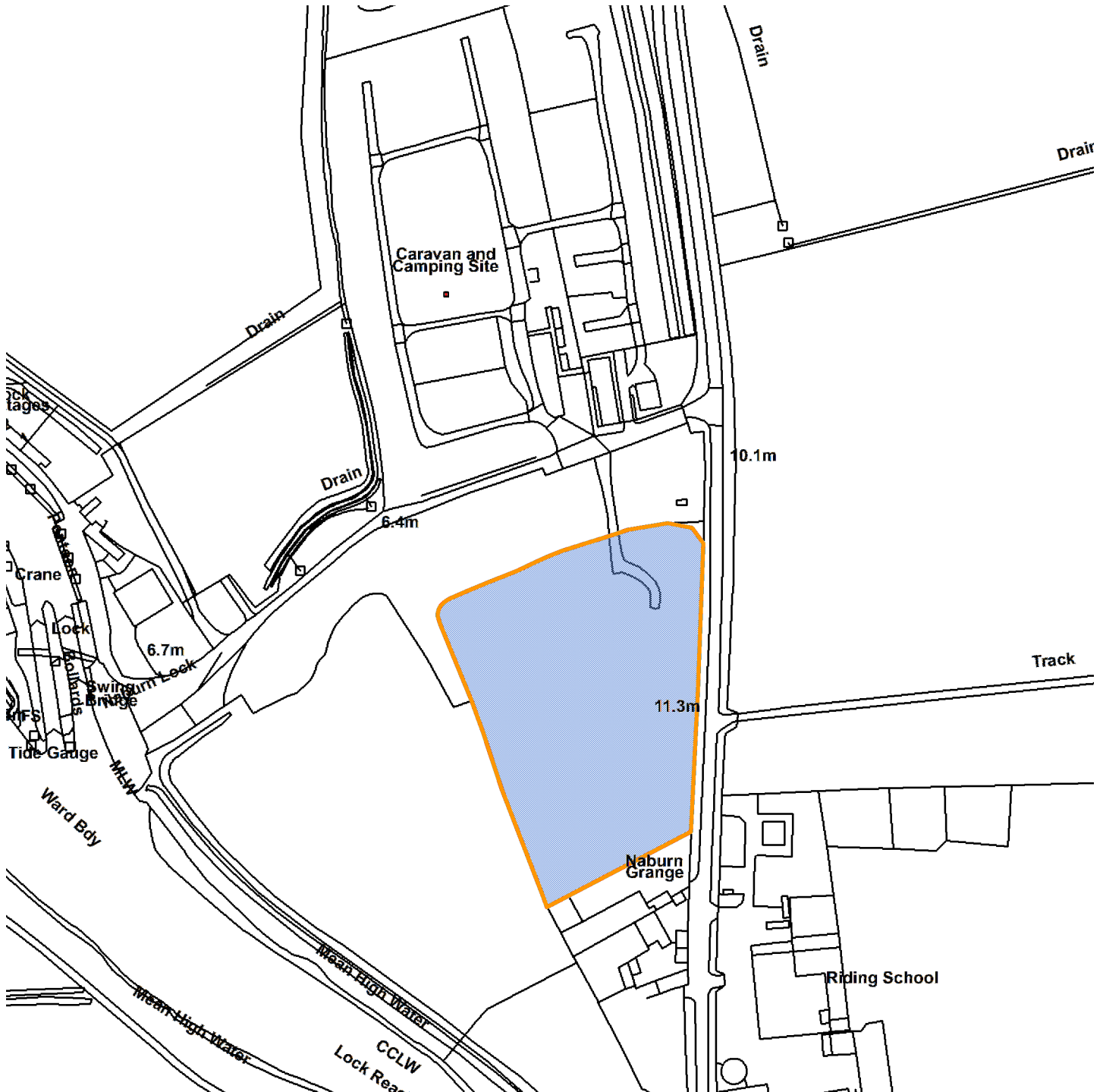
#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

14/02806/FULM

Naburn Lock Caravan Park, Naburn Lock Track Naburn



Scale : 1:2543

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>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	09 March 2015
<b>SLA Number</b>	Not Set

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 19 March 2015                      **Ward:** Wheldrake  
**Team:** Major and                              **Parish:** Naburn Parish Council  
Commercial

**Reference:** 14/02807/FULM  
**Application at:** Naburn Lock Caravan Park Naburn Lock Track Naburn York  
**For:** Variation of condition 6 of permitted applications 8/06/59P/PA and  
8/06/59L/PA to allow all year round use of touring caravans and  
tents  
**By:** Mr & Mrs Peter & Catherine Wilkinson  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 27 April 2015  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Naburn Lock comprises a 100 pitch touring caravan site presently subject to a seasonal restriction enforcing a closure period from the end of October to March, lying within the general extent of York Green Belt to the south of Naburn village. Planning permission under Section 73 of the 1990 Town and Country Planning Act is sought to vary condition 6 of planning permissions 8/06/59P/PA and 8/06/59L/PA to allow for year round usage of the caravan park.

**2.0 POLICY CONTEXT**

2.1 Regional Spatial Strategy saved policies:

YH9C

Y1C

2.2 NPPF

Preserving the Green Belt paras 79, 87,88, 89 and 90.

2.3 Emerging Draft York Local Plan (Publication Draft 2014)  
Policies SS2 and GB1.

2.4 2005 Draft Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

Flood zone 2 GMS Constraints: Flood zone 2

Flood zone 3 GMS Constraints: Flood zone 3

Application Reference Number: 14/02807/FULM

Item No: 4e

2.5 2005 Draft Policies:

CYGB1 -Development within the Green Belt

CYHE4 -Listed Buildings

CYV5 -Caravan and camping sites

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Environmental Protection Unit were consulted with regard to the proposal on 9th February 2015. No response has been received at the time of writing.

3.2 Highway Network Management raise no objection to the proposal.

EXTERNAL:-

3.3 Naburn Parish Council raise no objection to the proposal.

3.4 The Environment Agency raise no objection to the proposal.

### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the Open Character of the Green Belt;
- \* Impact upon the setting of Naburn Banqueting House, a Grade II Listed Building.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN(2005, 4th Set of Changes):-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

PLANNING POLICY CONTEXT:-

4.3 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in

paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances.

Paragraph 88 establishes the weight to be given to a submitted case to establish "very special circumstances". This clearly argues that when considering a planning application Local Planning Authorities should ensure that substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not be held to exist unless the potential harm by reason of inappropriateness and any other harm are outweighed by other considerations.

**4.4 IMPACT UPON DESIGNATED HERITAGE ASSETS:-** Central Government Planning Policy in respect of safeguarding the setting of Listed Buildings and other Designated Heritage Assets as outlined in paragraph 132 of the National Planning Policy Framework urges Local Planning Authorities to give great weight in considering the impact of proposed development on the significance of a Designated Heritage Asset, to the Asset's conservation.

**IMPACT UPON THE OPEN CHARACTER OF THE GREEN BELT:-**

**4.5** Central Government Planning Policy as outlined in paragraph 79 of the National Planning Policy Framework outlines the defining characteristics of Green Belt areas as being their "openness" and "permanence." The application site lies within a rolling rural landscape characterised by a traditional boundary pattern of mature trees and lengths of hedgerow. The caravan site as laid out in accordance with the previous planning permissions broadly respects that pattern. However the previous permissions were subject to conditions to effectively prevent operation during the winter months when foliage would not be in leaf in order to secure the open character of the Green Belt in accordance with the former PPG2 "Green Belts".

**4.6** The applicant seeks to remove the seasonal restriction on the basis of securing the viability of the caravan site by being able to compete on equal terms with operators who are able to open on a year round basis and to be able to continue to employ seasonal staff on a year round basis. It is further contended that notwithstanding the reasoning behind the previous planning conditions, the impact upon the openness of the Green Belt arising from year round opening would be modest. An appeal decision from Cumbria has been submitted in support of the proposal. The subject of the appeal was however within the Lake District National Park and the policy test of fulfilling National Park purposes is a fundamentally different one to securing the open character of the Green Belt. It will therefore be given very little weight in considering the current proposal.

**4.7** The applicant also draws attention to the advice from Central Government contained within the now cancelled "Good Practice Guide on Planning and Tourism". This urged Local Planning Authorities to give significant weight to the need support the needs of the tourism sector by not imposing seasonal restrictions on caravan and other holiday accommodation sites where there is not a clear

justification for doing so. Notwithstanding the obsolescence of the guidance, it is felt that in any event the need to safeguard the open character of the Green Belt in a visually vulnerable location is such a clear justification.

4.8 The application site slopes significantly from east to west in the direction of the banks of the River Ouse and there is at the same time a very pronounced slope to the east in the direction of the B1224 Stillingfleet Lane, with the caravan site significantly elevated relative to the road. The site has mature landscaping which reflects the local pattern of boundary treatment and an earth bund fronting on to Stillingfleet Lane. However, the landscaping is overwhelmingly deciduous with the consequence that parked caravans with the associated activity would be highly visible in the surrounding landscape to the east and notably to the west in views up from the River Ouse to the serious detriment of the open character of the Green Belt. Substantial weight has been given to this harm, in considering the application.

4.9 In order to weigh against the clear harm to the open character of the Green Belt the applicant has put forward a case based upon unmet demand and the need to secure long term employment of seasonal staff and the viability of the site. This has not however been substantiated in any way and as such can not be taken to fulfil the test outlined in paragraph 88 of the National Planning Policy Framework of outweighing harm to the Green Belt by reason of inappropriateness and any other harm. As a consequence it is felt that the proposal would not be acceptable due to the harm to the Green Belt.

#### IMPACT UPON THE SETTING OF NABURN BANQUETING HOUSE (LISTED BUILDING):-

4.10 The application site lies directly to the east of Naburn Banqueting House, a Grade II Listed early 19th Century entertainment venue originally constructed for the Ouse Navigation Company. The building was designed to receive guests from the River against the landscaped back drop behind and this forms a clearly defined setting to the building. During the summer months when the landscaping surrounding the site is in full leaf there is little inter-visibility between the two sites. However during the winter months the application site with its steeply rising topography is clearly visible from the Banqueting House with the service connections and site lighting particularly prominent.

4.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a statutory duty for Local Planning Authorities to have special regard to the safeguarding of the setting of Listed Buildings. At the same time Central Government Planning Policy in respect of Listed Building Control as outlined in paragraph 132 of the National Planning Policy Framework urges Local Planning Authorities to afford significant weight to the conservation of the significance of Heritage Assets such as Listed Buildings with unsuitable development within their setting particularly harmful. To allow usage of the caravan site during the winter months, when the caravans themselves together with the associated paraphernalia



would be especially prominent, would clearly cause significant harm to the setting of the building. The applicant has not submitted any detail as to alternative means of mitigation of that harm or even to acknowledge that the harm exists. Significant weight is given to the harm to the setting of the listed building in the consideration of this application

## **5.0 CONCLUSION**

5.1 Naburn Lock comprises a 100 pitch caravan site subject to a seasonal restriction from the end of October to the beginning of March, lying within the general extent of the York Green Belt to the south of Naburn village. Planning permission is sought under Section 73 of the 1990 Town and Country Planning Act to vary the permission by removing condition 6 of planning permissions 8/06/59P/PA and 8/06/59I/PA to allow for all year operation. The proposal asserts that it is justified on the basis of a viability need and a modest impact upon the open character of the Green Belt. The viability and economic justification for the proposal has not however been adequately substantiated, such as to amount to very special circumstances which would outweigh the substantial harm to the Green Belt.

5.2 In terms of impact upon the openness of the Green Belt the topography and landscape treatment of the site is such that contrary to the case put forward, it is highly prominent within the surrounding landscape during the winter months when the surrounding trees and other mature landscaping are not in leaf. Harm to the open character of the Green Belt would therefore be substantial and it is considered that permission should be refused on that basis.

5.3 Notwithstanding the issue of harm to the open character of the Green Belt, the site lies in close proximity to Naburn Banqueting House a Grade II Listed Building. During the summer months when trees and other landscaping is in leaf any harm to the setting of the building is modest, however during the winter months the site becomes highly prominent in long and short distance views from the Banqueting House and harm to the setting becomes significant. No alternative means of mitigation of that harm has been brought forward and there has been no acknowledgment that there is even any harm on the part of the applicant. Planning permission should therefore also be refused due to the harm to the setting of the listed building..

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposal by virtue of introducing caravans and associated activity in a location rendered visually prominent by the absence of foliage would cause serious adverse harm to the open character of the Green Belt contrary to paragraph 79 of the National Planning Policy Framework.

2 The proposal by virtue of introducing caravans with associated paraphernalia and activity within the principal public viewpoints of Naburn Banqueting House during periods when the surrounding vegetation affords minimal protection would cause significant harm to the setting of Naburn Banqueting House a Grade II Listed Building. Such harm is given substantial weight in accordance with Section 66 of the 1990 Planning(Listed Buildings and Conservations Areas) Act and paragraph 132 of the National Planning Policy Framework.

## **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 an attempt to achieve a positive outcome:

Submit alternative means of mitigation of harm to the setting of Naburn Banqueting House a Grade II Listed Building.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

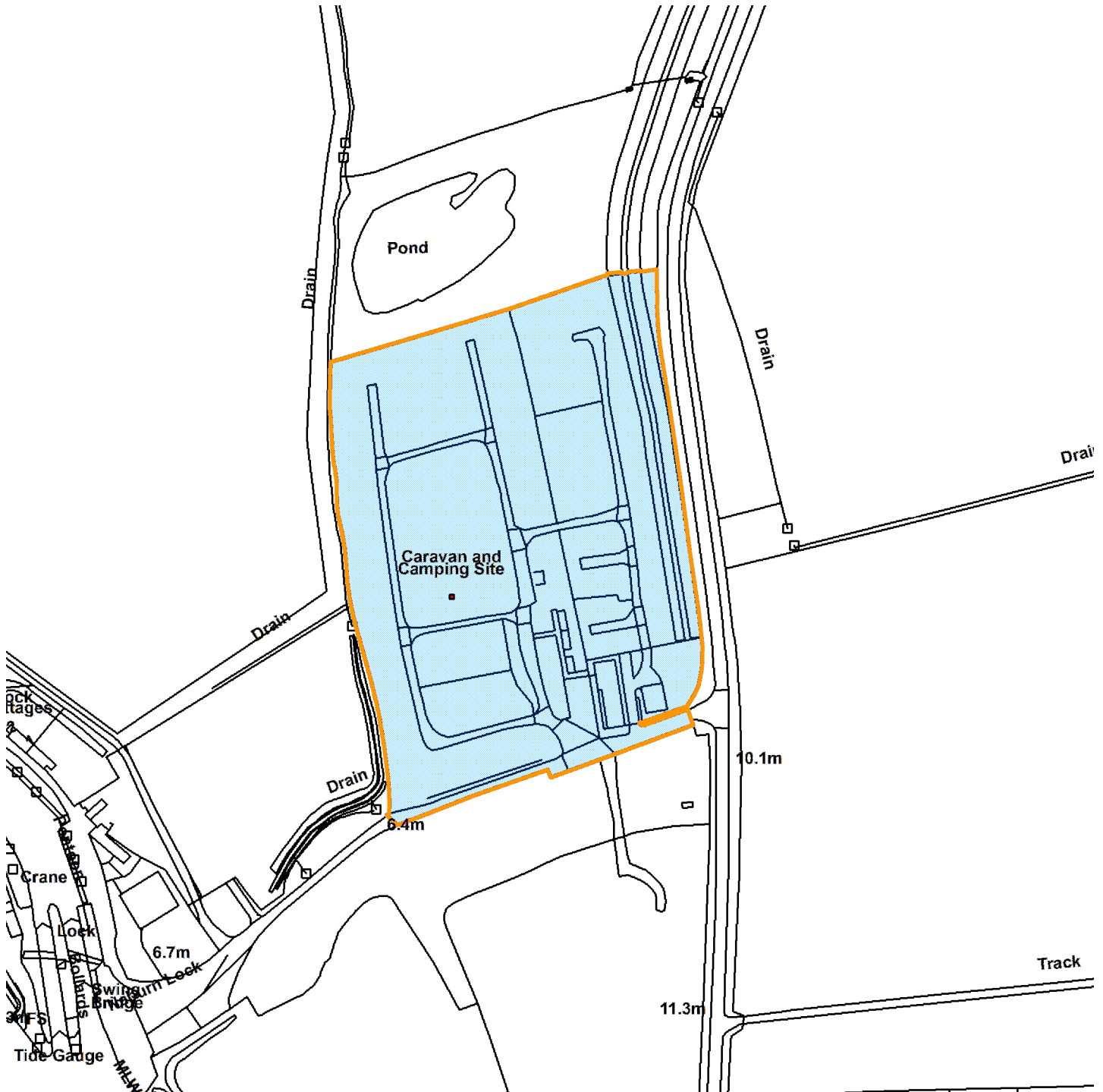
#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

14/02807/FULM

Naburn Lock Caravan Park, Naburn Lock Track Naburn



Scale : 1:2543

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>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	09 March 2015
<b>SLA Number</b>	Not Set

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 19 March 2015                      **Ward:** Heslington  
**Team:** Major and                              **Parish:** Heslington Parish  
Commercial Team                              Council

**Reference:** 15/00040/FULM  
**Application at:** Proposed Teaching Building Spring Lane Heslington York  
**For:** Construction of a three storey teaching building (use class D1)  
following demolition of existing building  
**By:** University Of York  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 15 April 2015  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Spring Lane Heslington West comprises a partially landscaped area of former University staff housing, currently in the process of demolition, adjacent to Derwent College to the west of University Road. Planning permission is presently sought for the construction of a three storey general purpose teaching building some 13 metres high and 4240 sq metres in floor area clad in curtain wall panels, structural glazing and art stone to replace a series of two storey prefabricated structures on car park south. Some landscaping has previously been lost in association with the clearing of the former University housing and replacement planting is planned as part of the current scheme. An additional 50 cycle parking would be provided at the same time. The proposal falls within the agreed built footprint contained within the 1999 Campus Development Brief.

1.2 The site is not taken as being within the general extent of the York Green Belt following on from the decision of the Secretary of State for Communities and Local Government in respect of the permission to develop the additional University campus at Heslington East in 2007.

**2.0 POLICY CONTEXT**

2.1 2005 Draft Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYED6 -University of York Heslington Campus

CGP15A - Development and Flood Risk

CYNE1 - Trees, woodlands, hedgerows

2.3 Emerging York Local Plan (Draft Publication 2014):

ED2 supports new development within the Heslington West Campus providing no more than 20% of the footprint of the campus is taken up with building, height and design of new building is sympathetic to the surroundings and the landscape setting of the University is preserved and enhanced.

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Environmental Protection Unit was consulted with regard to the proposal on 19th February 2015. No response has been received at the time of writing.

3.2 Strategic Flood Risk Management was consulted with regard to the proposal on 19th February 2015. No response has been received at the time of writing.

3.3 Highway Network Management was consulted with regard to the proposal on 19th February 2015. No response has been received at the time of writing.

3.4 Environmental Management raises no objection in principle to the proposal but expresses some concern with regard to the impact of the proposal upon the setting of Springs Wood to the north west and to the landscape context of the campus more generally.

EXTERNAL-

3.5 Heslington Parish Council was consulted with regard to the proposal on 19th February 2015. No response has been received at the time of writing.

3.6 Yorkshire Water Services Limited raise no objection to the proposal.

### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the visual amenity of the wider street scene;
- \* Impact upon landscaping of townscape importance;
- \* Sustainability of the proposal;
- \* Impact upon the local pattern of surface water drainage.

## STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan(4th Set Changes) was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

## PLANNING POLICY CONTEXT:-

### IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE:-

4.3 Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework urges Local Planning Authorities to give specific weight to the need to address the connections between people and places and integration of new development into the natural, historic and built environment.

## SUSTAINABILITY OF THE PROPOSAL:-

4.4 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to support positively the transition to a low carbon future, encouraging the reuse of existing resources and the further use of renewable resources including renewable energy.

### IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.5 Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework urges Local Planning Authorities to ensure that in determining planning applications flood risk is not increased elsewhere.

## THE EMERGING CITY OF YORK LOCAL PLAN:-

4.6 Paragraph 216 of the National Planning Policy Framework urges Local Planning Authorities to give appropriate weight to emerging Local Plan Policies. Policy ED2 of the (emerging) Draft City of York Local Plan carries forward the requirements of the earlier Draft Policy ED6 and is compliant with the National Planning Policy Framework. As such the policy should be afforded some weight in the consideration of the current proposal.

## IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.7 Policy ED6 of the York Development Control Local Plan (April 2005 incorporating 4th Set of Changes) sets out criteria for acceptable new development within the Heslington West Campus of York University. These criteria are also found within the emerging policy at ED2 of the Draft Publication Local Plan (2014), indicating the direction of travel in policy terms. The proposal involves small scale extension to the existing building, and as such, the development would not adversely affect the campus' landscape framework. The height of new buildings would be appropriate to the location in terms of distance to the height of surrounding buildings and a high standard of design appropriate to the setting of the University is proposed. Central Government planning policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to proactively drive and support sustainable economic development to deliver infrastructure to provide for the needs of the community. The proposal envisages the erection of a three storey building for general teaching purposes incorporating an integral lecture theatre to replace a number of prefabricated structures presently located on Car Park South and the surrounding area. The building would be clad in a mix of curtain wall cladding, structural glazing and art-stone and would match the palette of materials used in the re-development of the Chemistry Department to the east of University Road. The proposed pattern of scale and massing would match that of the existing residential block to the south west. The approved University Heslington West Development Brief, which has been the subject of public consultation and can therefore be afforded some material weight, establishes a maximum built foot print of 20% of the Campus area for new development. This is reflected in both existing and emerging Draft Local Plan Policy and the proposal sits within the indicated figure.

4.8 Details of additional landscaping have been submitted in part to compensate for recent losses and to soften the impact of the building within the surrounding townscape. The proposed building would be visible in glimpsed views from University Road to the north east and from the area of the Central Hall to the south west otherwise it would not be readily visible in long or short distance views from outside of the site. Any impact upon the visual amenity of the wider street scene is therefore felt to be acceptable and the proposal demonstrates compliance with the NPPF, the emerging Local Plan Policy ED2, the terms of Policy ED6 of the 2005 Plan and the 2006 Campus Development Brief.

## IMPACT UPON LANDSCAPING OF TOWNSCAPE IMPORTANCE:-

4.9 Concern has been expressed in relation to the loss of existing mature landscaping from the site and the relationship of the proposed building to the wider landscape setting of the Campus. Additional compensatory planting has been proposed to the south west to enhance the visual relationship with the adjacent Spring's Wood, to the north west and in a linear pattern directly to the east of the



building. The proposed planting would largely mitigate against any adverse impact upon the wider landscape setting of the site and subject to any permission including conditions to secure the submission and prior approval of a detailed landscape scheme and tree protection measures the proposal is felt to be acceptable in terms of its effect on the townscape and landscape.

#### SUSTAINABILITY OF THE PROPOSAL:-

4.10 The applicant confirms that the building has been designed to achieve a BREEAM standard of "Very Good". At the same time the building has been designed to meet the target of a 43% reduction in carbon emissions from a 2005 base, as set out in the University's Carbon Management Plan. The orientation of the building has been designed to minimise heat loss and maximise solar gain and natural lighting. The building would incorporate natural ventilation and heat recovery systems and would fully utilise the University's District Heating System. No additional car parking spaces would be provided as part of the proposal but an additional 50 secure cycle parking spaces would be made available which is compliant with the adopted cycle parking standard. The proposal is therefore felt to be acceptable on sustainability grounds.

#### IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.11 Policy GP15a) of the York Development Control Local Plan (April 2005 4th Set Changes) sets out criteria to satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. An outline surface water drainage scheme has been submitted with the proposal which indicates the provision of a direct connection to the lake and associated water courses to the west. At the same time planning permission has recently been given for works to the lake system and associated water courses (ref:- 14/02386/FUL) to create a localised system of surface water control for the purposes of flood risk management which would make such a connection viable without increasing flood risk elsewhere in the locality. Providing the details of all surface water drainage works are subject to a condition requiring their submission for further approval, via connection with the approved lake works, then the proposed development is felt to be acceptable.

## 5.0 CONCLUSION

5.1 Spring Lane Heslington West comprises a lightly landscaped former area of University staff housing lying to the south west of University Road. Planning permission is sought for the erection of a three storey general purpose teaching building with integral lecture theatre on the cleared site. The proposed pattern of scale and massing would match that of the residential block to the south west and

the chosen palette of materials would closely match that of the refurbished Chemistry Department to the east of University Road. Some concern has been expressed in relation to the previous loss of trees at the site and the impact of the proposal upon the landscape setting of the University. The proposal does however include a significant area of compensatory planting notably to the west to soften the boundary with Springs Wood and to the south east to replace the trees previously lost. The proposal as a whole is felt to be acceptable in sustainability and flood risk terms and approval is therefore recommended.

## **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:-

Drawing Refs:- (PL)01, (PL)02, (PL) 03, (PL) 04, (PL) 05, (PL) 06, (PL) 07, (PL) 08, (PL) 09, (PL) 10, (PL) 11, (PL) 12, (PL) 13, (PL)14.

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 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 15 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees , shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five

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

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

6 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development hereby permitted, including any demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection Lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development 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 or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

7 NOISE7 Restricted hours of construction -

8 HWAY31 No mud on highway during construction -

9 HWAY18 Cycle parking details to be agreed -

10 HWAY19 Car and cycle parking laid out -

11 Prior to the commencement of the development hereby authorised full details

of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include existing and proposed drainage calculations, and location of an outfall and shall be fully implemented before the building is first brought into use.

Reason:- To ensure that the site is effectively drained and to secure compliance with Policy GP15a) of the York Development Control Local Plan and Policy ENV4 of the (Emerging) City of York Local Plan (Publication Draft).

## **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) and having taken account of all relevant national guidance and local policies and imposing appropriate planning conditions, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

#### **2. CONTROL OF POLLUTION ACT 1974:-**

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must

be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.

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

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

(f) There shall be no bonfires on the site

**Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

This page is intentionally left blank

15/00040/FULM

Teaching Building, Spring Lane, Heslington

Site Plan



This page is intentionally left blank



**COMMITTEE REPORT**

**Date:** 19 March 2015      **Ward:** Skelton, Rawcliffe, Clifton Without  
**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 15/00121/REMM

**Application at:** Former Grain Stores Water Lane York

**For:** Reserved matters application for approval of appearance, landscaping, layout and scale for 215 dwellings following the grant of outline permission 11/00860/OUTM

**By:** Redrow Homes (Yorkshire) Ltd And Water Lane Ltd

**Application Type:** Major Reserved Matters Application (13w)

**Target Date:** 28 April 2015

**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Clifton Grain Stores comprises the cleared site of a series of hangars and associated taxi ways associated with the World War II period. RAF Clifton lies within a dense development which is predominantly residential but also includes some employment uses to the north of the City Centre. Outline planning permission was previously given in 2012 on appeal ref:- 11/00860/OUTM with means of access reserved for a mixed use development incorporating residential, leisure and employment uses. Reserved Matters Consent arising from that Outline planning permission is now sought in respect of the erection of 215 dwellings with associated infrastructure within the western and southern sections of the site.

**2.0 POLICY CONTEXT**

2.1 2005 Draft Development Plan Allocation:

Contaminated Land GMS Constraints:

2.2 2005 Draft Policies:

CGP15A

Development and Flood Risk

2.3 Emerging Draft Local Plan (2014 Publication Draft)

2.4 National Planning Policy Framework

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Highway Network Management express concern in respect of the proposed site layout and its implications for the safe and free flow of traffic within the surrounding area. These have been addressed in respect of the subsequently revised plans.

3.2 Planning and Environmental Management raise no objection to the proposal on the grounds that it complies with Policies H3 and H4 of the (Emerging)Publication Draft Local Plan in terms of density and housing mix.

3.3 Strategic Flood Risk Management - comments will be reported to the meeting .

3.4 Lifelong Learning and Leisure - comments will be reported to the meeting were consulted with regard to the proposal on 9th February 2015. No response has been forthcoming at the time of writing.

#### **EXTERNAL:-**

3.7 Yorkshire Water Services were consulted with regard to the proposal on 9th February 2015. No response has been forthcoming at the time of writing.

3.8 The Environment Agency raise no objection to the proposal.

3.9 Clifton (Without) Parish Council raise no objection to the proposal but wish to see further details of further defensive planting of the site boundaries.

3.10 One letter of representation has been received in respect of the proposal supporting the proposal in principle but expressing concern in relation to the proposed boundary treatment and the habitat of the wildlife presently resident at the site.

### **4.0 APPRAISAL**

#### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- Compliance with the Outline Permission
- Impact upon the visual amenity of the wider street scene;
- Impact upon the residential amenity of neighbouring properties;
- Dwelling Mix;
- Impact upon the safety and convenience of the local highway users;
- Adequacy of the open space provisions made within the site.

## STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th SET OF CHANGES):-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

### PLANNING POLICY CONTEXT:-

4.3 RESIDENTIAL DEVELOPMENT:- Central Government Planning Policy in respect of residential development as outlined in paragraph 49 of the National Planning Policy Framework indicates that planning applications for housing should be considered in strict accordance with the presumption in favour of sustainable economic development.

4.4 RESIDENTIAL AMENITY:- Central Government Planning Policy in respect of amenity as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to give significant weight to the provision of a good standard of amenity to all existing and future occupants of land and buildings.

4.5 VISUAL AMENITY:- Central Government Planning Policy in respect of visual amenity and design as outlined in paragraph 61 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the need to properly address the connections between people and places and the need to properly integrate new development into the natural, built and historic environment.

4.6 DWELLING MIX AND DENSITY:- Central Government Planning Policy as outlined in paragraph 50 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the need to identify a size, type, range and density of housing that reflects the pattern of local demand and local circumstances.

### COMPLIANCE WITH THE ORIGINAL OUTLINE PLANNING PERMISSION:-

4.7 The proposal for Determination of Reserved Matters is in broad compliance with requirements of the earlier Outline Planning Permission in terms of its design and layout. However, in submitting a detailed design it has become clear that it would not be possible to come to an acceptable solution and incorporate the levels of children's playspace and informal open space as originally envisaged in condition 7 of the Outline Permission and the associated Unilateral Undertaking. The applicant has proposed a further commuted sum payment of £100,566 to improve Clifton "Backies" a nature reserve to the south east. This is felt to be acceptable in terms of providing for the established requirements and would be compliant with the CIL tests of being necessary and relevant in scale and kind to the permitted development.

**IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-**

4.8 Policy GP1 of the Draft York Development Control Local Plan (2005 4th Set of Changes) sets a presumption in favour of new development proposals which respect or enhance the local environment, are of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The application site comprises the degraded site of a former World War II airfield which has subsequently been surrounded by a dense pattern of urban development consisting predominantly of residential development but with some employment uses to the north west. The proposal envisages the erection of a uniform mix of 2 and 2 1/2 storey detached and semi-detached houses, an apartment block, with a standard pattern of scale and massing and a standard palette of materials incorporating a mid redbrick with a mix of a clay pan tile and plain tile. The density of the development is consistent with that of recent residential development to the north and south east. The site is visually prominent in views from the south and south east as well as Green Lane to the north. Access to the site would be via the existing access from Water Lane and it is envisaged that both landscape frontages to Water Lane and Green Lane would be landscaped to blend in with the surroundings. The site layout has also been amended to improve the relationship with surrounding development with two areas of informal open space incorporated as features centrally within the development and areas of frontage parking substantially reduced. Speed tables together with street landscape planting have also been used to define sub-neighbourhoods within the development. It is felt that the proposal would have only a minimal impact upon the visual amenity of the wider street scene and that the terms of Policy GP1 of the Draft Development Control Local Plan and paragraph 61 of the National Planning Policy Framework would be complied with.

**IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-**

4.9 The application site is adjoined by roads on two sides with employment development to the north west and existing residential development directly to the south. The closest residential property to the south is some 14 metres from rear to side gable with other distances in excess of 20 metres. In terms of internal separation distances within the site minimum distances of 17 metres between fronts and 21 metres between house backs are observed together with a distance of 13 metres front to gable. Both internal and external separation distances are felt to be acceptable and would secure the residential amenity of future occupants and neighbours of the site. Each house has been designed with a modest front garden but with a generous rear garden characteristic of the pattern of residential development in the surrounding area. It is therefore felt that the proposal would not harm the residential amenity of neighbouring occupiers or the future occupiers of the

proposed development and the requirements of Policy GP1 of the Draft 2005 Local Plan and paragraph 17 of the National Planning Policy Framework would be complied with.

#### DWELLING MIX:-

4.10 Policies H3 and H4 of the (Emerging) Publication Draft Local Plan addresses the issues of the required dwelling mix and housing density appropriate to particular areas of the City. The proposal in terms of the range and type of accommodation proposed and its layout closely complies with the requirements of emerging policy. At the same time it complies with the evidence base behind the Emerging Local Plan in the form of the up-to-date Strategic Housing Market Assessment(SHMA) in terms of its density figure.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-

4.11 Concern has been expressed in relation to the workability of several aspects of the site layout in respect of vehicles entering and leaving the site. The site layout has been amended to incorporate speed tables and to greatly reduce the areas of frontage car parking. The proposal has been further amended since submission to alter the approach to the houses fronting onto Water Lane to reduce the potential for driver confusion. The Amberley House type has also been amended to allow for the provision of appropriate parking within the curtilage. A tracking plan has also been submitted which clearly demonstrates that refuse and emergency vehicles can be accommodated through the junction layout of all parts of the site. Elsewhere visitor parking spaces have been removed and turning space better delineated to improve the manoeuvrability of the layout. It is therefore considered that the concerns in respect of the highway layout have been satisfactorily addressed by the recent revisions.

#### ADEQUACY OF OPEN SPACE PROVISIONS WITHIN THE SITE:-

4.12 The previous Outline Permission was granted on Appeal, and envisaged a mix of on-site provision of open space (secured by planning condition on the outline) and with improvement of pitches outside the site (secured by means of a commuted sum through the Unilateral Undertaking submitted on Appeal). The reserved matters submitted layout envisages two medium sized areas of open space to contribute to the requirements for play space and informal open space. At the same time smaller areas of landscaped open space have been strategically located through the layout in order to break up the mass of building and to improve its townscape quality. The layout results in a shortfall of on-site open space, and the applicant has proposed to provide a further commuted sum financial contribution to improve the nearby Clifton "Backies", in lieu of the shortfall on-site. This would be secured by means of a further Section 106 Agreement and is felt to be an acceptable compromise.

## ENVIRONMENTAL IMPACT ASSESSMENT:-

4.13 The proposal as being over 0.5 hectares in area falls within the indicative thresholds contained within Schedule 2 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations. The original outline planning application was subject to a formal Environmental Impact Assessment. The current application has been screened in accordance with the criteria contained within Schedule 3 to the Regulations in respect of further impacts and the current proposal has been found to be compliant with the information and content of the earlier EIA and so a further EIA or amendment to the earlier EIA will not be required.

## 5.0 CONCLUSION

5.1 Clifton Grain Stores comprises the cleared remains of part of a former World War II Airfield lying to the north of the City Centre. Outline planning permission has previously been given at appeal in 2012 for a mixed use development including the erection of a substantial area of housing. Reserved Matters consent is now sought in respect of a development of 215 houses on the western section of the site. The proposals are felt to be acceptable in terms of their relationship to the surrounding pattern of development and are consistent with emerging policy in respect of density and dwelling mix. The highway layout has been amended since submission to deal with concerns and the development is now felt to be acceptable. Approval is therefore recommended subject to satisfactory completion of a Section 106 Agreement to secure a commuted sum payment for off-site open space provision in lieu of the acknowledged shortfall in on-site open space provision.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Defer pending satisfactory completion of a legal agreement under Section 106 to secure a financial contribution towards off-site open space provision, and on completion of the agreement, authority be delegated to the Director of City and Environmental Services to APPROVE the application subject to the following conditions:-

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

Drawing Refs:- 4857-16-06-003-A; 4857-16-02-11; 4857-16-02-04; 3642/PD/01; 3642/11; 4857-16-02-01A; 4857-16-02-03; 4857-16-02-10; 4857-16-06-009; 4857-16-06-8K-01; 4857-16-02-02; 4857-16-02-05; 4857-16-06-004-1; 4857-16-06-010; 4857-16-06-SK-02; TC01; TP01B; 4857-16-06-SK-04; T23 AMBERLEY 901; T23 AMBERLEY 902.

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

- 2 VISQ7 Sample panel ext materials to be approv -
- 3 VISQ8 Samples of exterior materials to be app -
- 4 NOISE7 Restricted hours of construction -

5 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site in preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants on the site and in the surrounding area and the interests of highway safety.

- 6 EPU1 Electricity socket for vehicles -

## **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:

An amended site layout to deal with highway concerns.

### **Contact details:**

**Author:** Erik Matthews Development Management Officer

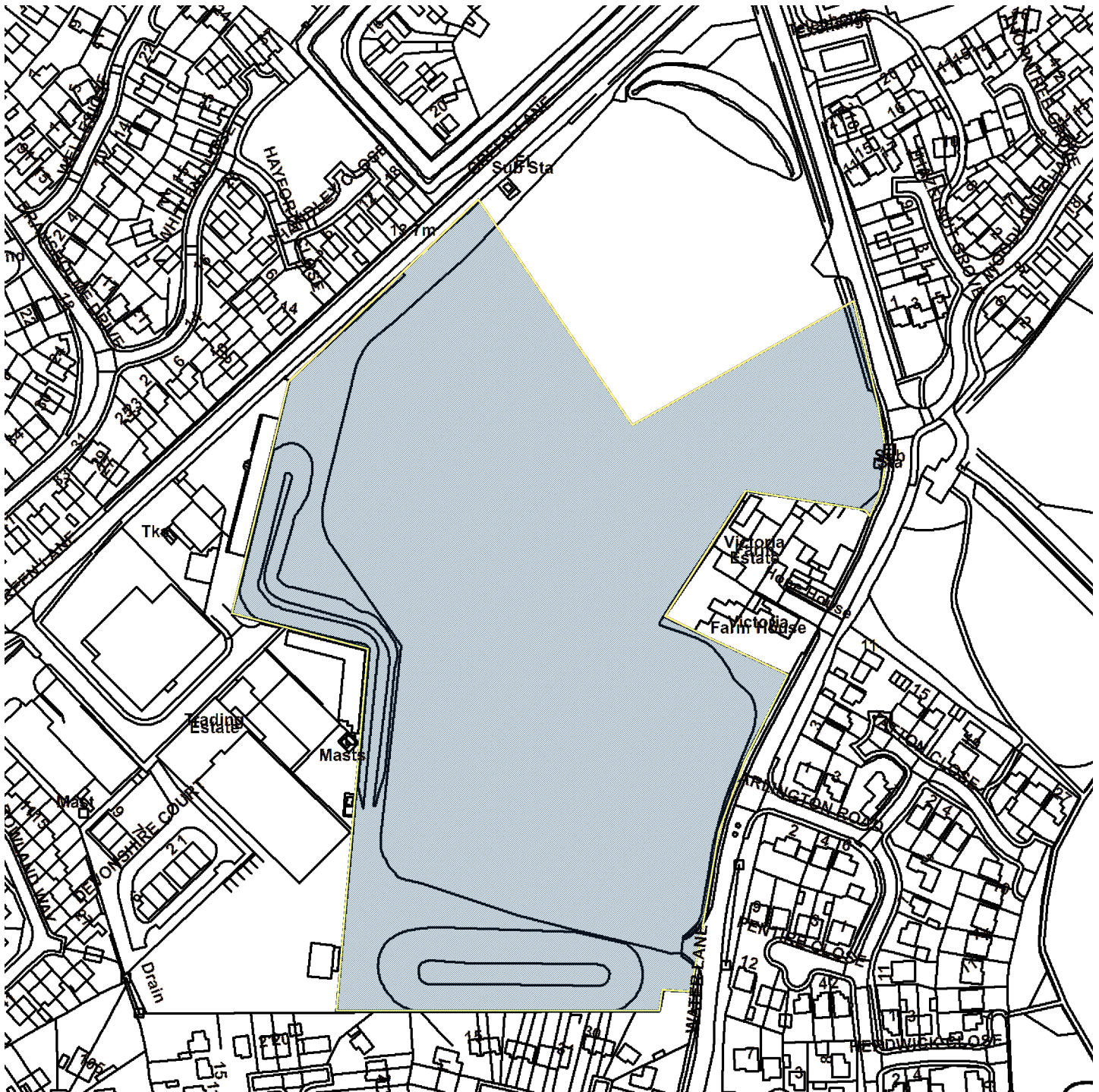
**Tel No:** 01904 551416

This page is intentionally left blank



# 15/00121/REMM

Former Grain Stores, Water Lane



Scale : 1:2543

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>	CYC
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	09 March 2015
<b>SLA Number</b>	Not Set

This page is intentionally left blank

Committee Update 2-14 George Hudson Street – 14/01383/FULM

1. Paragraph 1.1 states 85 studio flats, should read 58.
  
2. **1 further representation of support** has been received:
  - Use of a historic vacant building
  - provide quality student accommodation thus freeing up family homes
  - provide for bicycle use not cars, it is next to bus and rail links,
  - Will provide footfall to a neglected retail area, will provide night time footfall that will improve security of the area.
  - Considered the noise issue can be adequately dealt with.

**3. Submission of additional noise information**

After the publication of the committee report the Agent has submitted additional information on predicted maximum and low frequency noise levels in the proposed residential units, with mitigation measures in place. As a result of the further details the Environmental Protection Unit have removed their objections to the scheme. Their comments are as follows:

*3.1 The revised submitted noise assessment has considered the 16<sup>th</sup> highest measured night time L<sub>max</sub> noise event of 85dB(A) and also the highest measured L<sub>max</sub> noise event of 94dB(A). The revised noise assessment has considered two window schemes to mitigate noise. The first involving the use of secondary glazing with a (10mm-200mm-6mm construction and Pilkington glass) and the second involving the same glazing with the added benefit of the provision of absorption to the window reveals.*

*3.2 Results of the revised assessment indicate that internal noise levels associated with the 85dB(A) L<sub>max</sub> event will result in an internal noise level of 40dB(A) with the proposed glazing and reveal absorption in-situ*

*and marginally more (1dB or so higher) without the reveal absorption being provided.*

*3.3 When assessed against the worst case measured Lmax event of 94dB(A) internal levels of 46dB(A) are predicted with the proposed glazing and reveal absorption in-situ and a level of 47dB(A) with the proposed glazing only and no reveal absorption.*

*3.4 Whilst the worst case maximum noise level event is likely to result in an internal noise level which is greater than the Council's noise criteria of 45dB(A), the World Health Organisation Guidelines on Community Noise suggests that in order for a good sleep the indoor sound pressure levels should not exceed approximately 45 dB Lmax on more than 10-15 occasions per night.*

*3.5 Based on the fact that the worst case measured noise event is the highest of fifteen events which were greater than 85dB(A) external EPU are content that the noise level of 45dB(A) Lmax is unlikely to be exceeded on more than 10 to 15 occasions in any night time period.*

*3.6 With regards to EPU concerns about low frequency noise and the impact that this may have upon residential amenity, further information and assessment has been provided on this too. Results of the noise survey have shown that the background noise level external to the property is principally dominated by mid frequencies rather than low frequencies in the 63 to 125 Hz range. Whilst internal levels will be dominated by the lower frequencies, as a result of the performance of the window, the noise source is principally associated with traffic noise rather than noise from the pubs and clubs and so is likely to be less intrusive than events associated with leisure activities.*

*3.7 Request that scheme of noise insulation is sought via condition*

4. Alteration to Officer recommendation

In light of the additional information, the EPU comments and the removal of their objections, the officer recommendation is revised to:

(i) Defer pending completion of a satisfactory Section 106 Agreement to secure the matters set out in paragraph 4.41 of the committee report

(ii) Grant delegated authority to Assistant Director (Development Services, Planning and Regeneration) to approve on completion of the Section 106 Agreement, subject to the following conditions:-

1. PLANS1

2. TIME2

3. Student Accommodation only

The development hereby approved shall be let to or hired by and occupied by either students engaged in full-time or part-time further or higher education within the City of York administrative boundary or delegates attending courses or conferences within the City.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing and open space provision in accordance with Policy H2a of the City of York Development Control Local Plan and the NPPF.

4. HWAY18

5. Travel Plan

The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of

yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

## 6. Occupational Management Plan

An occupational management plan for the student accommodation shall be submitted and approved in writing by the Local Planning Authority prior to occupation (of the student accommodation). The development shall be occupied in accordance with the approved document at all times.

The occupational management plan shall include details of site operation/management, car parking, change over days, security measures, anti-social behaviour, maintenance, fire safety, and student liaison and community involvement. The plan shall detail how the operators of the student accommodation would be contactable should the need arise.

Reason: To ensure the development complies with local and national transport and planning policies and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

## 7. Hours of Work

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 local residents

## 8. Access doors

The main pedestrian access to the student accommodation will be from George Hudson Street as shown in Drawing Number 2381-02-18 Revision B (received 02 March 2015). Prior to the occupation of the flats hereby approved both the proposed pedestrian accesses shown in this elevation shall be constructed. The access to Tanner Road shall be used as an emergency access only.

**Reason:** The purpose of Section 17 of the Crime and Disorder Act 1998 is for the LPA to do what it can to reasonably prevent crime and disorder, and proportionate security measures should be a central consideration. To ensure the development is in accordance with the aim of the NPPF to 'create safe and accessible environments'. In the interests of the amenity of future occupiers of the development. To ensure there is access to the proposed shop unit and allow its sustainable use.

## 9. BREEAM

The development hereby approved shall be constructed to a BREEAM (2008 Multi Residential) standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' and paragraph 17 of the National Planning Policy Framework.

10. Mechanical Ventilation

Unless otherwise agreed by the Local Planning Authority, all flats overlooking Tanner Row and George Hudson Street shall be ventilated through continuous mechanical supply and extract. Details of the mechanical ventilation scheme shall be approved by the Local Planning Authority prior to first occupation of the flats. The scheme shall be carried out in accordance with the approved details. The windows in the Tanner Row and George Hudson Street elevations shall be fixed shut.

Reason: In the interests of the amenity of future occupants due to poor air quality in the locality.

11. Statement of crime prevention measures

Prior to the occupation of the development a statement of crime prevention measures to be incorporated in to the design of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of any flat is occupied. Crime prevention measures shall accord with the advice set out in the National Planning Policy Framework and comply with the aims and objectives of 'secure by design'.

Informative: Some proposals such as CCTV cameras may require listed building consent.

Reason: In the interest of the amenity of future occupiers of the development.

12. Noise Insulation

No development shall take place until a detailed scheme of noise insulation measures for protecting the approved student accommodation from externally generated noise from George Hudson Street, Tanner



Row and Rougier Street 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.

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 45 dB LAFMax (except for up to a maximum of 15 occurrences) during the night (23:00–07:00 hours). These noise levels shall be observed with all windows shut in the habitable room and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

### Informatives

INF11- Control of Pollution Act 1974

INF3 - S106 legal obligation exists

Flood Evacuation plan is recommended

This page is intentionally left blank

Committee Update 2-14 George Hudson Street – 14/01384/LBC

In response to the additional noise information and potential noise mitigation measures a revision to Condition 5 is requested, to read as follows:

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

- (i) Indicative cross section through internal window reveal illustrating secondary glazing at 1:2
- (ii) Vertical cross section through proposed front doors and glazed side lights at 1:5
- (iii) Indicative cross section through raised floor and skirting at 1:2 (affects rooms to Tanner Row range only). New floors should scribe round, not cut through architraves, panelling, or other historic joinery (where present).

Reason: In the interests of the architectural and historic interest of the listed building.

This page is intentionally left blank

## **14/02806/FULM Extension to Existing Caravan Site at Naburn Lock. Committee Update:-**

Since the Committee Report was prepared the applicant has submitted a detailed statement in respect of the Green Belt and setting of a Listed Building concerns. This suggests that the existing use of the site for caravan rallies takes place over a period of six months in an intensive fashion and is un-regulated. However, the site has Permitted Development Rights in respect of caravan rallies for a maximum period of 28 days in any one calendar and if it is being used as suggested for a period of six months in an unregulated fashion then the development is unauthorised. In addition the proposal includes the erection of buildings and roads which are of themselves inappropriate development within the Green Belt as defined by the National Planning Policy Framework.

The applicant acknowledges the need to provide a case for “very special circumstances” in order to overcome the usual presumption against inappropriate development within the Green Belt. This is given as being able to satisfy the presumption in favour of sustainable economic development contained within the National Planning Policy Framework. The National Planning Policy Framework itself, does however make clear that this does not apply within the Green Belt. A number of cases are also cited of other sites within the locality and wider Green Belt. Several of these are however of some historical longevity and in any case do not share the same relationship with the open character of the Green Belt as the current development.

To address the issue of the setting of Naburn Banqueting House it is pointed out that there is little inter-visibility between the two sites from the east however, the building has been specifically designed to be viewed from the River frontage to the west with the surrounding landscape looming behind. As this is largely comprised within the application site harm to the setting of the building is likely to be severe.

The impact of “brightly coloured” boats passing and re-passing along the River frontage on the setting of the Listed Building is also highlighted. At the very worst such activity is transitory at best any impact is as minimal as traffic travelling along a highway.

Since the Committee Report was written 16 letters of support including one from the Commercial Manager of Visit York along with a 33 signature petition in support of the proposal have been submitted.

**14/02807/FULM Application Under Section 73 of the 1990 Act to Allow for Year Round Operation of the Naburn Lock Caravan Site Committee Update:-**

Since the Committee Report was written 16 letters of support including one from the Commercial Manager of Visit York and a 33 signature petition have been received drawing attention to the lack of touring caravan pitches available during the winter months in the area whilst events around Christmas are being held in York.

This page is intentionally left blank



## **15/00040/FULM Erection of a Teaching Building at Springs Lane Heslington West Committee Update:-**

Since the Committee Report was prepared a detailed consultation response has been received from Environmental Protection Unit raising no objection to the proposal but recommending the following detailed conditions:-

- Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall agree that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, 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.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

### **Reason: To protect the amenity of the area**

- 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 (LA<sub>max</sub>(f)) and average sound levels (LA<sub>eq</sub>), 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**

- In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

**REASON: To protect human health and the wider environment.**

This page is intentionally left blank

**15/00121/REMM Erection of 215 Dwelling Houses at York  
Grain Stores Water Lane Clifton. Committee Update:**

Since the Committee Report was prepared Highway Network Management have submitted a consultation response to the proposal confirming that the amended layout is acceptable.

This page is intentionally left blank