



Notice of a public meeting of

Planning Committee

- To:** Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Warters
- Date:** Wednesday, 13 December 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Site Visits

Would Members please note that the mini-bus for the site visits for this meeting will depart from West Offices at **10:00am on Tuesday 12 December 2017.**

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 - 14)

To approve and sign the minutes of the last meeting of the Planning Committee held on 16 November 2017.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5:00pm on Tuesday 12 December 2017. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

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

Filming or Recording Meetings

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

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

4. **Plans List**

This item invites Members to determine the following planning applications:

a) Land To The South Of Keepers Cottage Intake Lane, Dunnington, York [17/00893/FUL] (Pages 15 - 28)

Erection of entrance gates, 1 agricultural store, 1 field shelter, and shooting platform (retrospective) [Osbalwick And Derwent] [Site Visit]

b) Carlton Tavern, 140 Acomb Road, York [17/00476/FULM] (Pages 29 - 86)

Erection of three-four storey 74 bedroom care home with associated parking, cycle racks and landscaping following demolition of existing public house. [Holgate]

c) Hungate Development Site, Hungate, York [17/02019/OUTM]
(Pages 87 - 130)

Variation of condition 3 (approved plans), 5 (maximum building height) and 6 (parameter plans) of permitted application 17/01847/OUTM to allow increase in height of Block G, minor revisions to the proposed building footprint and associated changes to landscaping and public realm, provision of vehicular service access to Block G from Garden Place and increase in cycle parking, revisions to maximum foundation levels and allowance for location of below ground attenuation tank and lift pits, revisions to finished floor levels for the residential and commercial elements of the scheme and minor amendments to the site wide surface water drainage strategy. Removal of condition 40 (air quality monitoring) [Guildhall] [Site Visit]

d) Broad Oak Farm, Dauby Lane, Elvington Road, York [17/02305/FULM] (Pages 131 - 146)

Erection of 4 poultry buildings and associated buildings and infrastructure including new access [Wheldrake]

e) 46 - 50 Piccadilly, York [17/00429/FULM] (Pages 147 - 198)

Erection of part 5/part 6 storey hotel (140 bedrooms) with ground floor restaurant and 6 storey building comprising 8 no. apartments (class C3) [Guildhall] [Site Visit]

f) Willow Lodge, Sutton Road, Wigginton, York [17/01876/FUL]
(Pages 199 - 212)

Erection of shed for sorting of waste and storage of plant and machinery following the removal of existing polytunnels [Haxby And Wigginton] [Site Visit]

g) Site of Former Biorad Micromeritics Ltd, Haxby Road, York [17/02283/FULM] (Pages 213 - 244)

Erection of new mental health inpatient unit [Huntington/New Earswick] [Site Visit]

5. Appeals Performance and Decision Summaries (Pages 245 - 252)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2017, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

6. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

PLANNING COMMITTEE**SITE VISITS****Tuesday 12 December 2017**

TIME (Approx)	SITE	ITEM
10:00	Minibus Leaves from outside West Offices	
10:15	Former Biorad Site, Haxby Road	4g
10:50	Willow Lodge, Sutton Road, Wiggington	4f
11:25	Land South Of Keepers Cottage Intake Lane,	4a
12:05	46 - 50 Piccadilly	4e
12:40	Hungate Development Site	4c

City of York Council

Committee Minutes

Meeting	Planning Committee
Date	16 November 2017
Present	Councillors Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Flinders (Substitute)
Apologies	Councillors Warters

4. Site Visits

Application	Reason	In attendance
Beechwood Grange Caravan Club Site Malton Road Huntington York	To familiarise Members with the site.	Councillors Ayre, Cullwick, D'Agorne, Dew, Galvin, Pavlovic, Richardson and Shepherd
Severus SRE Site Lindsey Avenue York	To familiarise Members with the site.	Councillors Ayre, Cullwick, D'Agorne, Dew, Galvin, Pavlovic, Richardson and Shepherd
Site Of Former Fordlands House 1 Fordlands Road York	To familiarise Members with the site.	Councillors Ayre, Cullwick, D'Agorne, Dew, Galvin, Pavlovic, Richardson and Shepherd

5. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may

have in respect of business on the agenda. Cllr Doughty declared a personal interest in the Severus SRE Site application as he had been a potential buyer for one of the houses that backed onto the site.

6. Minutes

Resolved: That the minutes of the meetings held on 18 October and 25 October be approved and then signed by the chair as a correct record.

7. Public Participation

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

8. Plans List

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

8a Beechwood Grange Caravan Club Site, Malton Road, York (17/02263/FUL)

Members considered a full application from Miss Awa Sarr for the provision of an additional 26 serviced all-weather pitches, accessed by new tarmac road and the installation of new service point with bin store, water and drainage pump at the Beechwood Grange Caravan Club.

Officers advised Members that since publication of the committee report, the applicant had submitted a drainage strategy for the development. This had been assessed by the council's flood risk officers, who were content that drainage matters could be dealt with by conditions of approval if planning permission was granted.

Members noted the flood risk officers' comments and revised recommendation that the reason for refusal remained as

detailed in the report with the deletion of 'potential harm to drainage infrastructure and downstream watercourses.'

Members considered the application and were advised that there needed to be very special circumstances for approval of an application for inappropriate development in the Green Belt.

Following consideration of the application it was:

Resolved: That the application be refused.

Reason: Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. Beechwood Grange lies within the general extent of the Green Belt. The proposed siting of 26 serviced caravan pitches, the internal access road and the ancillary structures constitute inappropriate development in the Green Belt and are, by definition, harmful to the Green Belt as set out in section 9 of the National Planning Policy Framework. No very special circumstances have been put forward by the applicant that would outweigh harm by reason of inappropriateness and other harm including impact on openness, conflict with the purposes of including land within Green Belt and conflict with sustainable transport objectives. The proposal is therefore contrary to national planning policy in the National Planning Policy Framework, in particular 'Core Planning Principles', 'Achieving Sustainable Development' and section 9 'Protecting Green Belt Land'.

8b Severus SRE Site, Lindsey Avenue, York (17/02006/OUTM)

Members considered a major outline application from Yorkshire Housing for the erection of 43 affordable dwellings at the Severus SRE Site.

Officers provided an update to Members. Members were advised that that further responses had been received. Public Health (Sport and Active Leisure) had objected to the proposal due to the lack of on site open space provision. There had also

been a further eleven letters of objection received which cited harm to the historic city, harm to local biodiversity (by virtue of the loss of a Site of Interest of Nature Conservation - SINC) and harm to the safety and local highway users through increased traffic to the site. Yorkshire Wildlife Trust also objected to the ruining of a wildlife oasis.

Members were advised of a correction to 4.17 of the report that should have stated that “The proposal envisages the erection of 43 affordable dwellings with 30 “affordable rent” and 13 shared ownership.”

Officers further advised that senior housing colleagues had commented in general in terms of the need for affordable housing and the likely Homes and Communities Agency support for the type of scheme.

Jane Levy, a local resident, spoke in objection to the application. She noted the impact of the development on the ecology and explained the reasons why Yorkshire Wildlife Trust objected to the application.

Jesper Phillips, a local resident, spoke in objection to the application. He noted the site’s listing as a SINC and detrimental effect of the development on local residents.

David Ryder, a local resident, spoke in objection to the application. He highlighted a number of points relating to the impact of the development on the residential amenity.

Cllr Cannon, Ward Councillor for Holgate, spoke in support of the officer recommendation to refuse the application, listing the reasons for the recommendation as detailed in the report.

Kester Horn (Space Partnerships), agent for the applicant, spoke in support of the application. He noted that the objections to the application did not mitigate the need to affordable housing. He asked the Committee to defer the application.

Officers were asked and clarified that the application should not be deferred as a new application would be required for such extensive changes.

Following consideration of the application it was:

Resolved: That the application be refused.

Reasons:

- i. The development by virtue of its design and location would give rise to conditions substantially prejudicial to the residential amenity of Numbers 25-29 Howe Hill Close by virtue of overbearing impact and loss of privacy contrary to Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework, "Core Planning Principles".
- ii. The development by virtue of its proximity to the retained water storage tower on adjacent land to the north west would result in conditions substantially prejudicial to the residential amenity of prospective occupants of Plots 34 -38 by virtue of overbearing impact contrary to Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles".
- iii. The proposed development by virtue of the total removal of a notified SINC (Site of Interest for Nature Conservation) with associated woodland habitat without clear and robust mitigation measures would give rise to very substantial harm to local biodiversity contrary to Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework.
- iv. The development would give rise to a substandard highway layout to the prejudice of the safety and convenience of highway users with the driveways serving plots 8, 10, 20-23, 31 and 32 incapable of reasonable vehicular use by their occupiers.
- v. The development by virtue of its visual prominence combined with its engineered, regimented character and total loss of

surrounding landscaping would give rise to substantial harm to the wider landscape setting of the City contrary to Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework.

- vi. The development by virtue of its overly-dense, physically constrained nature, erosion of the existing landscaped character of the site, lack of opportunity to provide additional landscaping and amenity space and failure to address acceptable amenity separation distances fails to achieve an acceptable quality of design contrary to Central Government Planning Policy as outlined in paragraph 64 of the National Planning Policy Framework.
- vii. Insufficient information has been submitted with the proposal to enable an informed assessment of the impact of the proposal upon known significant archaeological deposits of Roman date known to be present within the site together with any necessary mitigation measures.

8c Land To The South Of Keepers Cottage Intake Lane, Dunnington, York (17/00893/FUL)

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

Members were advised that the application could not be considered as the incorrect Parish Council had been consulted with. Therefore, it was:

Resolved: That the application be deferred.

Reason: In order for the correct Parish Council (Kexby Parish Council) be consulted.

**8d Site Of Former Fordlands House, 1 Fordlands Road, York
(17/01969/FULM)**

Members considered a major full application from Octopus Healthcare Developments Ltd for the erection of a 64 bedroom care home, car parking and landscaping following the demolition of existing care home provision at the site of the former Fordlands House.

Officers provided an update to Members, updating them on the Flood Risk and Sequential Test, further response from an interested party, and Design Conservation and Sustainable Development (Landscape). Following these updates, Officers recommended that additional conditions be added to cover protection of existing trees, tree planting details including kerbs and parking bays and a detailed landscaping scheme. They also advised that an additional Informative be included regarding the use of a landscape architect.

Officers further recommended that due to the potential for odour associated with cooking of food in the kitchen of the care home affecting nearby residential properties, an additional condition in relation to potential cooking smells be added.

Members were advised of the Network Management (Highway) consultation response which stated that:

1. The proposed development creates a one way thoroughfare through the site with a new access parking and servicing. The access is close to the existing site access to the north of the site with suitable visibility for public footpath users.
2. Work will include tying into the adjacent public footpaths and relocation of the lighting column. Appropriate intervisibility between users of the public footpaths and the egress is to be improved by reducing the vegetation to the north east.
3. A marginal increase in traffic is expected, however it is not envisaged that this will be detrimental to the highway network. A pedestrian crossing is to be provided on the desire line to the opposite footpath.
4. The site is in a sustainable location with frequent bus service to the City centre/Designer Outlet park and ride. The applicant has agreed to fund improvements to the BLISS screen to make public transport more attractive.
5. Cyclists are will catered for, and storage will be provided on site.
6. Car parking is in accordance with CYC maximum standards

and supported by a transport statement. A commitment to travel planning will ensure that the development is unlikely to have an adverse impact on the locality in terms of parking.

Network Management (Highways) therefore recommended an additional condition in relation to improvements to the bus stop.

Mary Urmston, Chair of Fulford Parish Council Planning Committee, spoke in objection to the application. She questioned the figures used in the Flood Risk Sequential Test and asked Members to defer the application.

Eamon Keogh, agent for the applicant, spoke in support of the application. He emphasised the need for care home spaces and noted that there was a limited supply of suitable sites in York.

Officers clarified the following points in response to Member questions:

- The revised plans showed that views of the building were limited.
- The Sequential Test had been met.
- The replacement of trees for bat foraging was included in Condition 15.
- The proposal adequately dealt with the flood risk.

Following consideration by Members it was:

Resolved: That the application be approved subject to the conditions listed in the report and the additional conditions below:

Additional Condition

Before the commencement of development including demolition, excavations, and building operations, an Arboricultural Method Statement (AMS) in accordance with British Standard BS 5837, 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. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types 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 stored materials, locations and means of installing utilities, location of site

compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

Additional Condition

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority all tree planting details including kerbs and parking bays where these are related.

Reason: To ensure that the trees are able to survive and thrive and are able to perform as intended within the approved landscape scheme.

Additional Condition

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. 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. For clarification, this shall include details of all hedging.

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

Additional Informative to use a Landscape architect

It is recommended that the services of a landscape architect are employed to oversee the landscape contract on site, in order to ensure that the ground preparation and planting are carried out

to a satisfactory standard and are in strict accordance with the approved drawings.

Additional Condition (Public Protection)

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

It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

Additional Condition (Highway)

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

*Provision of a BLISS real time display screen at the inbound bus stop on Main Street Fulford.

Reason: In the interests of the safe and free passage of highway users.

Cllr N Ayre, Chair
[The meeting started at 4.30 pm and finished at 7.30 pm].

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COMMITTEE REPORT

Date: 13th December 2017 **Ward:** Osbaldwick And Derwent
Team: Major and Commercial Team **Parish:** Kexby Parish Council

Reference: 17/00893/FUL
Application at: Land To The South Of Keepers Cottage Intake Lane Dunnington York
For: Erection of entrance gates, 1 no. agricultural store, 1 no. field shelter, and shooting platform (retrospective)
By: Mr Andrew Cole
Application Type: Full Application
Target Date: 6 July 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for a field shelter for livestock together with a timber storage shed, a shooting platform and a metal gate. The application is retrospective. Approximately half of the field has recently been planted with fruit trees and the south east part of the site has been planted with deciduous trees. The applicant has advised that the site is being used as a commercial orchard.

1.2 The monopitched timber field shelter is sited in the north east part of the field. Would measure 1.43 metre by 2.43 metres. The tallest part of the roof would be 1.82 metres high. At the time of the site visit it was being used by pigs.

1.3 The timber storage shed has the appearance of domestic garden shed. It is sited centrally within the field and was being used for the storage of animal food. The dual pitched shed measures 1.82 metres by 2.43 metres and would have a maximum height of 2 metres. However the shed on site would appear to be taller than 2 metres.

1.4 The shooting platform would measure 1.82 metres by 1.82 metres and would be 4 metres in height. The upper section of the structure has been enclosed with openings on all four sides.

1.5 The applicant makes the case that the above structures fall within permitted agricultural development and as such do not require planning permission. Setting aside that the application is retrospective and no application was submitted for agricultural notification and as such they require planning permission. The applicant has recently stated that the agricultural holding exceeds 5ha but has not submitted any information to demonstrate the extent of the agricultural holding. However under if the Part 6 Class 'Agricultural development on units of 5 hectares or more' and Class B 'Agricultural development on units of less than 5 hectares' the field shelter

and storage shed would require planning permission. For the reasons set out in section 4 the shooting shelter is not considered to be reasonably required for the purposes of agriculture and as such would require an application for planning permission.

1.6 The proposed metal gate fronts onto the public right of way 15/8/30 as well as a cycle track. The gates open inward into the field. The 2 no. gates together measure 4.8 metres in width and 2 metres in height. The decorative gates posts are slightly taller in height. The gate is not considered to fall within the permitted Development of Part 2 Class A of the GDPO. The GDPO sets out that development is not permitted by Class A if the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—in any other case, 1 metre above ground level. No definition of ‘vehicular traffic’ exists either within the GPDO, the 1990 Act or the Highways Act 1980. In the Road Traffic Act 1988, a “cycle” is interpreted to mean a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor vehicle (section 192). There is nothing to suggest that for the purposes of the GPDO, the term ‘vehicular traffic’ is confined to motorised vehicles or that the highway must be open to all forms of vehicles. Although a ‘vehicle’ will often have an engine, an ordinary definition of the word does not exclude other forms of vehicle and there is no reason to suppose it should be interpreted so restrictively when applying the GPDO.

1.7 The site is within the general extent of the Green Belt. It is within Flood Zone 1. To the south east of the site is Hagg Wood - a Site of Importance for Nature Conservation (SINC). The application site falls within a Local Green Corridor. To the south west, north west and north east are fields. To the north is Keepers Cottage, which is not part of the application site.

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYSP2 The York Green Belt
- CYGP1 Design
- CYGP14 Agricultural land
- CYGB1 Development within the Green Belt
- NE8 Green Corridors

Pre-Publication draft Local Plan (2017):

- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- SS2 The Role of York’s Green Belt
- D2 Landscape and Setting
- GI1 Green Infrastructure

- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- GB1 Development in the Green Belt
- ENV2 Managing Environmental Quality

2.2 Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY)

3.1 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

KEXBY PARISH COUNCIL

3.2 No comments received

DUNNINGTON PARISH COUNCIL

3.3 No comments received

POLICE ARCHITECTURAL LIAISON OFFICER

3.4 No comments received

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.5 No representations were received within the consultation period

4.0 APPRAISAL

KEY ISSUES

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Impact to residential amenity

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning green belt.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

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

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

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

EMERGING LOCAL PLAN

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

4.7 The Biodiversity Action Plan (2013) includes the application site as part of a Local Green Corridor 20 - Southern Heath. This is an extensive corridor that continues the Northern Heath corridor. It follows an indistinct belt taking in the sandy soils on the south eastern edge of the city and connects through to the Tilmire and the Naburn Blown Sands areas to the west. As for the northern heath, it is more restricted in its overall interest being primarily for agriculture, forestry and, in wildlife terms, for its heathland. The remaining heathland interest is limited largely to relict heath within this woodland cover. Sites of known interest include the adjacent Hagg Wood.

GREEN BELT STATUS OF THE SITE

4.8 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

4.9 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the emerging local plan designate the site as Green Belt.

4.10 The site was not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

4.11 Additionally, when the site is assessed on its merits it is concluded that it serves at least one of Green Belt purposes, namely assisting in safeguarding the

countryside from encroachment. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

4.12 To the south east of the site is Hagg Wood - a Site of Importance for Nature Conservation (SINC) within the larger Local Green Corridor. To the south west, north west and north east are fields. To the north is Keepers Cottage, which is not part of the application site. The current character of the area is open and agricultural in character.

4.13 NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions. These exceptions include buildings for agriculture and forestry. The field shelter and the storage shed could be reasonably considered to fall within the criteria. The proposed gates (which require planning permission because of its height in proximity to a highway) does not fall within any of the criteria set out in paragraphs 89 and 90 and as such are inappropriate development. The applicant has stated that the shooting platform is required for the shooting of rabbits and deer. The applicant has verbally confirmed that the shooting of the deer and rabbits is a form of pest control, to prevent them from damaging the trees rather than a sport/leisure activity. The applicant has verbally stated that the tower is required as they do not own the surrounding fields and so from the tower they can shoot down rather than across.

4.14 The shooting of pests is not considered to be development. As such it falls to be considered whether the shooting platform is required for agriculture. There did appear to be some deer fencing within Hagg Wood although the applicant verbally advised that this fencing does not prevent deer from entering the field. It was noted that the other three site boundaries have tall mature relatively dense hedging with some standard agricultural post and wire fencing. There was no obvious deer fencing. The recently planted fruit trees did not have protective fencing and there are considered to be a number of fencing options that would prevent damage to the trees from deer.

4.15 It was noted the trees did have tree guards which would prevent rabbits from damaging the trees. As such there are a number of options that would have less impact on the openness of the greenbelt than the shooting platform. Further information and justification was sought from the applicant for the platform and the other pest control measures they had considered, however at the time of writing the report no further information was forthcoming. As such it is not considered that the shooting platform is reasonably required for agriculture and the management of the fruit trees when there are more typical solutions to preventing damage. It is not considered that the proposed platform would fall within the NPPF criteria of provision of appropriate facilities for outdoor sport, outdoor recreation, as the structure would further impact on the openness of the Green Belt Therefore the shooting platform and the gate are considered to be inappropriate development in the greenbelt.

4.16 It was noted at the site visit that some fruit trees had been planted (less than half the field), and whilst it is appreciated that it may be in the early stages of creating the orchard, there is some concern that the site has the appearance of an amenity/garden area rather than a traditional farmed orchard. Much of the field had been planted with other types of non-fruiting trees together with a number of benches; however there is still some scope for further fruit trees to be planted.

4.17 The fundamental purpose of Green Belt policy is keep land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposed shooting tower and centrally located shed together with the proposed gate would create in an increase in the solid form and visual harm within the Green Belt, and would result in the encroachment of development into the Green Belt contrary to one of the purposes of including land in the Green Belt. This would result in harm to the openness and permanence of the greenbelt and is therefore considered to be inappropriate development in the Green Belt. The proposal gives rise to harm to the Green Belt by reason of inappropriateness which should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed from paragraph 4.27 of this report.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.18 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.19 The advice in Chapter 7 is replicated in Draft Local Plan Policy GP1 (Design) and, therefore, this policy accords with the NPPF. Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.20 The Ecology Officer has verbally confirmed that the proposed development would be unlikely to affect the functioning or reasons for allocating the area as a Local Green Corridor or a SINC (Interest: remnant semi natural woodland) . The visual (cumulative) impact of the development on the character and visual amenity of the area are considered below.

4.21 The siting of the field shelter close to the boundary hedge is considered to be a reasonable location. It is of a low height and of typical agricultural appearance and is not considered to result in visual harm.

4.22 The proposed gates and gate posts, by virtue of their domestic urban appearance, appear jarring and atypical in this rural context. It is considered to result in visual harm when viewed from the public right of way and a cycle path that run directly past the gates.

4.23 The siting of the shooting platform and the storage shed centrally in the field increases the prominence, particularly as they are lined up with the gated access. The storage shed by virtue of its domestic design and central location appears atypical and incongruous in this location. Whilst some deciduous trees have been planted which may in future provide an element of screening this is not considered sufficient to overcome the harm. When viewed from the public right of way and cycle path the shooting platform is sited behind the timber shed and they appear as one building, However the appearance of the structures are atypical and out of character with the rural context, particularly as when viewed from the public realm the tower and domestic shed are in the background with the metal urban gate in the foreground. During the winter months the structures and the gate would become more visible by virtue of leaf loss from the surrounding deciduous hedging. As such, the proposal would fail to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, contrary to advice in the NPPF.

IMPACT TO RESIDENTIAL AMENITY

4.24 The intensity of the use of the proposed platform is unknown. Further details were requested from the applicant; however at the time of writing no information was forthcoming. Without information as to how often the shooting platform is used, the length of period the platform is in use, how many shots etc officers are unable to assess the potential impact/disturbance to the nearby dwellings.

4.25 The proposed field shelter is currently being used for pigs. The proposed building is 55 metres from the closest dwelling. The size of the shed limits the number of pigs that could be kept on site. Any further buildings required for livestock would require planning permission in this location. Given the limited number of pigs that can use the field shelter it is not considered that it would result in harm to the residential amenity of the nearby dwellings.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

4.26 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt (and any other harm) so as to

amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt.

4.27 The applicant has not put forward any considerations in favour of the development to outweigh the identified harm. Therefore, in light of the lack any benefits of the development identified by the applicant or by officers that would either individually or collectively clearly outweigh the harm, it is considered that the very special circumstances necessary to justify the proposal do not exist.

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves at least one of the Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness, and that the proposal would undermine one of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character, and (potentially) residential amenity identified in this report.

5.3 Insufficient information has been submitted with the application to properly assess whether the use of the shooting platform would be acceptable in terms of residential amenity.

5.4 It is not considered that there are countervailing benefits arising from the proposal that clearly outweigh the harm so as to amount to very special circumstances necessary to justify an exception to Green Belt policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the proposed development constitutes inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The

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

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

3 Insufficient information has been submitted with the application to properly assess whether the use of the shooting platform would be acceptable in terms of residential amenity. In the absence of further information, the Local Planning Authority has been unable to properly assess whether the proposal would be in compliance with Policies GP1 of the City of York Development Control Local Plan (2005), and national planning policy set out in the National Planning Policy Framework. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

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:

- Requesting further information

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

Contact details:

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17/00893/FUL

Land To The South Of Keepers Cottage Intake Lane



Scale : 1:2422

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 December 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 13 December 2017 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 17/00476/FULM
Application at: The Carlton Tavern 140 Acomb Road York YO24 4HA
For: Erection of three-four storey 74 no. bedroom care home with associated parking, cycle racks and landscaping following demolition of existing public house
By: Crown Care
Application Type: Major Full Application (13 weeks)
Target Date: 25 September 2017
Recommendation: Approve

1.0 INTRODUCTION

1.1 Members will recall that this application was brought before the Committee in October. At that meeting Members resolved to approve the application. In law, planning permission does not exist until the Notice of Decision is formally issued. Following the Committee, but prior to a decision being issued, correspondence was received from Ms Ennis (a member of the public) and the Victorian Society. As the correspondence raised the prospect of a judicial challenge being made should the planning permission be issued, legal advice was sought by the Local Planning Authority.

1.2 The Officer Report (“OR”) has been updated to refer expressly to some matters that had not been summarised in the previous report, albeit the matters had been considered by Officers in reaching their recommendation, and this does not change. It is established law that ORs should not be interpreted forensically, and it is not necessary to summarise every aspect of the application within the OR. A requirement to do so would disproportionately frustrate the planning system. The purpose of this OR is to put beyond doubt that Officers have considered the building to be a non-designated heritage asset, and therefore a “Heritage Asset” for the purposes of the NPPF. Consequently, the policies in NPPF paragraphs 131, 135 and 136 have been applied. The previous OR had stated that NPPF paragraph 14 applied, because “non-designated heritage assets” were not included in footnote 9 at paragraph 14. However, this list is not “closed”. To clarify, the reason that the “tilted balance” in favour of sustainable development still applies is that neither NPPF paragraphs 131, 135 or 136 apply a higher, more restrictive test. If they did, they would dis-apply the presumption in favour of sustainable development at Paragraph 14. .

1.3 As the proposal involves the loss of a Heritage Asset, Officers had previously considered NPPF paragraph 136 and were satisfied that this had been met, in that

the developers had shown commitment to the build, and there is a need for this type of accommodation in the City. However, this had not been expressly stated in the OR.

1.4 Legal advice has confirmed that providing clarity for Members regarding these issues and remitting the decision back is appropriate in the circumstances. Members are therefore asked to consider the application on the basis of the updated advice in this OR.

1.5 For completeness, express reference is also now made in this OR at paragraph 5.76 to the legal tests relating to European Protected Species that were considered by Officers in reaching the recommendation

2.0 APPLICATION SITE

2.1 The Carlton Tavern Public House, (still trading), together with a smaller building used for accommodation, is situated on the northern side of Acomb Road, approximately 2.5km to the west of York City Centre.

2.2 The site measures approximately 0.5 hectares and rises up from the road with the public house broadly in the centre of the site. There is an amenity and play area to the front, and parking to the rear. A number of trees within the site, and particularly along the site frontage, are protected by a tree Preservation Order (TPO number CYC131).

2.3 The site is bounded by Acomb Road to the south, with residential development on its southern side. The site narrows to the rear with residential flats at Heritage House forming the northern boundary with the Heritage Museum and Bunker, a Scheduled Monument to the north east. Along the western boundary is a police station with the curtilage to an unoccupied old peoples' home beyond. Further residential properties are located on the north-western boundary.

2.4 The building is not listed, nor in a conservation area, however it is locally recognised for its architectural and historical merit. The building is identified on the York Open Planning Forum Local List (NB: this list has no formal planning status). It was constructed as a villa in the late-Victorian period. For the purposes of the NPPF, Officers have treated the building as a non-designated heritage asset, and thus it falls within the definition of "Heritage Asset", where referred to in the NPPF.

PROPOSAL

2.5 Permission is sought for the demolition of the existing Carlton Tavern Public House and associated six-bedroom building used for accommodation together with the construction of a care home over 3 and 4 floors. 22 car parking spaces will be provided together with 5 cycle racks and associated landscaping.

2.6 Highway access will remain as existing. Pedestrian access is provided adjacent to the existing driveway. This comprises an external platform lift adjacent to a small run of stairs. The parking will be provided along the eastern side of the building and at the northern extent. Access for a refuse vehicle will be provided, with bin storage to the north-west of the building.

2.7 The site rises up from the road, with a landscaped open area to the frontage. The layout includes the retention of most of the trees covered by the Tree Preservation Order to the front and sides of the site. However throughout the site some trees will be removed. Landscaped areas to the front of the building and along its western boundary will remain although re-modelled to take account of the larger building proposed and address the needs future residents.

2.8 The proposed care home will be set approximately 21m further forward on the site than the Carlton Tavern. It is also approximately 6m forward of Shelley House which lies to the east, however it will broadly extend the same distance to the north as that building.

2.9 The Design and Access Statement states that it is intended that the building will have a more contemporary design than the apartments to the north and east of the site. Other key considerations stated are to retain the landscaped setting of the building, and utilise the existing entrance. The front of the building has a footprint of approximately 26m by 15m. The width of the site at this point is approximately 50m. The rear section is narrower varying between 17m and 14.5m. The total depth of the building is 15.75m. The ridge height at the frontage is approximately 12.4m.

2.10 It is centrally located within the site and retains much of the existing landscaping around it. However the open space to the front of the building will be reduced due to the position of the care home, forward of the location of the Carlton Tavern. The proposed building is set over four floors, under a mansard roof. The fourth floor is set within the roof space. The front of the building has a relatively contemporary design with a three bay central area, together with two gable elements to either side. Two contrasting bricks will be utilised to visually break up the mass of the building. The right hand element of the front elevation will have projecting brick detailing which has been introduced to make reference to traditional tile hanging. An external chimney is shown on the gable, and the front gables have an overhanging verge to them. The side elevations are also divided with some gables. Balconies are provided to the rooms set back, with angled windows on the projecting gables.

2.11 Discussions have been on-going with the applicant and they were advised of responses from consultees and objectors, together with concerns from Officers in respect to aspects of the design. In the light of this, revised plans and documents were submitted. Of particular importance is that the size of the building was reduced from 79 bedrooms to 76. The changes to the layout included a reduction in the

height of the northern end of the building where it is adjacent to some of the properties on Baildon Close. Further changes were submitted throughout the application process. The changes culminated in a final set of revised plans received. The main changes include:-

- Room numbers reduced to 74 (originally 76) A reduction in the height of the north western part of the building to single storey where it abuts the northern block on Baildon Close.
- A reduction in the ridge height of the rear of the building
- The green buffer between the care home and Shelley House widened to include planting.
- Angled windows to some rooms.
- Deletion of balcony's where they face Baildon Close and Shelley House.
- A reduction in the level of fenestration on the eastern elevation towards the north of the building by reducing the width of the windows.
- A greater offset distance between the care home and neighbouring properties. The distance is now a minimum of 22m from Shelley House and 21m from Baildon Close.

2.12 The bedrooms are grouped together with lounge and dining areas and will be located on the ground, first and second floors. The third floor is within the roof and includes laundries, staff room, cinema, gym, activity room, therapy room, hairdressers and nail bar. The building will be constructed from a palette of bricks under a slate roof.

3.0 POLICY AND LEGISLATIVE CONTEXT

3.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted plan in York. In the absence of a formally adopted local plan, the most up-to date representation of key policy is the NPPF, and it is against this Framework that the application should principally be addressed.

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

3.3 National Planning Policy Framework (NPPF) - See body of the report for relevant sections.

OTHER MATERIAL CONSIDERATIONS

Development Control Draft Local Plan 2005 (DCLP)

3.4 Although there is no formally adopted local plan, the 'City of York Draft Local Plan Incorporating the Fourth Set of Changes' was approved for development control purposes in April 2005. Whilst it does not form part of the Statutory development plan for the purposes of S38, its policies are considered to be capable of being material in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. Such policies carry limited weight. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are:

GP1 Design
C3 Change of use of community facilities
GP3 Crime Prevention
GP4A Sustainability
GP6 Contaminated land
GP9 Landscaping
GP11 Accessibility
GP15A Development and Flood Risk
L1c Provision of new open space in developments
T4 Cycle parking standards
T5 Traffic and Pedestrian safety
T13a Travel Plans and contributions
NE1 Trees Woodlands and Hedgerows
NE6 Species protected by law
HE10 Archaeology
H17 Residential Institutions
SP6 Locational Strategy
SP8 Reducing dependence on the car

Emerging Local Plan

3.5 The Pre - Publication Draft Local Plan is currently being consulted on until October 30th 2017. It is considered that the draft Local Plan policies carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

3.6 The up to date evidence considered relevant to this application includes:

- Strategic Housing Market Assessment (SHMA) 2016
- Strategic Housing Market Assessment Addendum (SHMA) 2016
- City of York Heritage Topic Paper update September 2014
- The Local Plan (2012) preferred options supporting documents - Biodiversity Action plan.

- The Local Plan (2012) Preferred Options supporting document -local Heritage List for York SPD

3.7 The Application has been screened against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This application will fall to be considered under Schedule 2 (10)(b) Infrastructure projects. This application does not meet the thresholds set out in Column 2 of that Schedule and is not considered likely to have significant environmental effects when assessed against Schedule 3 of the Regulations.

4.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Forward Planning)

4.1 Initial comments concluded:-

"The provision of additional care home bed space supports the Local Plan's emerging approach, and reflects evidence from the Strategic Housing Market Assessment regarding likely demand due to demographic changes over the period to 2032 and beyond. The involvement of the private sector in delivering such further accommodation is further stated in the Council's Older Persons Accommodation Programme and Older Persons Housing Strategy. As such, we have no objection to the principle of the development."

4.2 In order to address concerns in relation to the loss of the Community Facility the applicant submitted a document entitled Community Use Assessment. In view of this document, the comments of Planning and Environmental Management conclude that on balance they concur that the pub, whilst valued by a sector of the community, is not in wider community use to such a degree that its closure would cause demonstrable harm to community cohesion and well-being, and its loss would not reduce the community's ability to meet its day to day needs. The site's proposed new use as a care home would provide significant community benefit. In the context of NPPF and draft Local Plan policy we would therefore not object to loss of the site's use as a pub.

Planning and Environmental Management (Design and Sustainability)

4.3 Original Comments;- The existing buildings can be considered as a non-designated Heritage Asset. Key to determining a suitable change must be that the balance of benefits of the change when compared with the existing should be positive. The proposed complete demolition of Carlton Tavern is the loss of non-designated heritage assets. This makes it necessary to provide a replacement of sufficiently high quality to counter this loss.

4.4 Due to the value of the existing building, intensification of use should first consider less harmful options, but no evidence of this.

4.5 Because the proposed building is much further forward it will undermine the landscape setting.

4.6 The proposal does not relate to the topography of the site. The site rises up from Acomb road and then tapers down to the rear. The proposal occupies approximately 70% of the plot length and takes the high spot at the peak creating distinctive plinths and unnecessarily raising the building up.

4.7 The height and massing are out of character with the area and the building is too close to Baildon close in places. Suggest exploring the retention and adaptation of existing building as part of a larger scheme with further development to the rear. The building should be articulated as a series of smaller buildings in a landscape setting. Varying component form heights should be considered, i.e. number of floors. Would support the need for interior alterations.

4.8 Further comments:- In relation to the additional information, the previous observations still stand. If no other design comes forward the officer should be satisfied that there are sufficient merits for the overall proposal to balance these comments.

Landscape Architect

4.9 Original comments: Consider that the building is too large for the site; the protected trees are threatened by construction operations and the proximity of the canopies to the building; and the outdoor amenity space for residents and visitors is unsatisfactory.

4.10 Revised comments following a meeting between the Landscape Architect, and the Arboriculturist acting for the applicant.

4.11 In summary the revised comments conclude that the risk to the trees posed by the development, in theory could be reduced to an acceptable minimum with a suitably detailed AMS and supervision on site, with the exception of the proposed steps and wheelchair lift at the entrance Oak tree T8 should be retained by reinstating the 'as existing' kerb line on the drawings.

4.12 For information tree T8 has now been retained.3.19. There is still concern over the degree of shading to living quarters in the south west and south east portions of the building.

Network Management - Highways

4.13 The proposed development re-uses the existing vehicular access. It is considered to be suitable to serve the proposed development in terms of width and

visibility. Car parking is in accordance with CYC maximum standards and is supported by the applicant's experience of operating other sites.

4.14 The site is in a sustainable location with bus stops and local facilities within recognised national walking/cycling distances.

4.15 The surrounding highway is protected by various traffic regulation orders and the applicant has indicated that they are willing to provide funding towards any traffic restrictions that may be necessary. Officers would therefore seek £3,000 for traffic restrictions (NB works or alternative arrangements including a contribution to works can be secured by condition). Recommend conditions.

Planning and Environmental Management (Ecology)

4.16 An initial bat survey of the building concluded that the public house currently supports small numbers of roosting Common Pipistrelle bats, which emerged from under the wooden fascia on the north eastern elevation. Six trees were identified as having potential to support roosting bats; these will all be retained as part of the proposals. In combination all of the trees provide suitable foraging habitat for bats and provide connectivity into the wider area.

4.17 The vegetation on site, and the buildings, provide suitable nesting habitat for birds. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

4.18 In the light of the survey, there is no objection to the development subject to conditions to secure bat mitigation, and the submission of a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Planning and Environmental Management (Archaeology)

4.19 The site is of archaeological interest due to its historical, architectural and social significance from its use as a nursery and public house. The smaller building at the back is more recent. The adjacent villa, Shelley House, was demolished several years ago leaving the Carlton Tavern as one of the last Victorian villas on Acomb Road. Therefore strongly recommend that the building is converted and extended instead of being demolished.

4.20 There has been no known archaeological intervention on this site. Whilst it is outside the Acomb Area of Archaeological Importance, the proposed development runs along a possible roman route way from York to Acomb following higher ground. Evidence of Roman activity in the area is attested by burials in the West Park area to the south west, and a Roman Mosaic pavement at Acomb House, Front Street.

Later archaeological deposits relating to the medieval period onwards may also exist on the site, particularly within undisturbed area.

4.21 As recommended, archaeological evaluation by trial trenching has been carried out, the finding of the trenches concludes that it is unlikely that any remains survive to the south of the building. However it is possible that less damage has occurred to the rear of the building.

4.22 Having reviewed the results, recommended that any permission on the site is conditioned to require a Written Scheme of Investigation.

Adult Social Care

4.23 (NB: Figures updated in the light of recent planning consents for two care homes at Burnholme and Fordlands).

4.24 Support the proposed care home development because;

- It delivers good quality residential and nursing care provision, giving life to the CYC's Older Persons Accommodation Programme as agreed by Executive on 30th July 2015.
- Using national benchmarks, York is currently short of 657 residential and care beds and because of anticipated 50% increase in 75+ population in the city and the expected closure of care homes that are no longer fit for purpose that shortfall will have risen to 820 by 2020, if no new homes built and 1520 by 2030. Even if the calculation takes into account sites that are subject to planning applications that are currently being considered, and in the knowledge that a further planning application may be forthcoming on land at Lowfield Green, York will still have a shortfall in care beds of 608 in 2020 and 1290 in 2030.
- The proposed residential care facility is in a good location of older residents as close to shops and other facilities.
- Particularly pleased with design and layout taking into account the needs of older people and particularly those with dementia. Especially the provision of a range of communal facilities that promote health and being, socialisation, café area and options for sitting and meeting friends, accessible and safe external gardens and terraces which will allow easy walking which is very beneficial for those with dementia.
- The provision of care suites which are large enough to accommodate couples is in short supply. Care home of this quality should be available to all citizens, and urge the developer to work with the Council and make

available some beds for local authority nominated clients, by negotiation and at a price that references the Actual Cost of Care rate paid by the Council.

Public Protection (Environmental Health)

4.25 Based on submitted noise levels, noise is not a limiting factor subject to a condition requiring a noise insulation scheme. Require condition in relation details of all machinery, plant and equipment to protect neighbour amenity.

4.26 Recommend condition regarding Construction Environmental Management Plan, together with lighting details, and a condition requiring details for treatment of cooking odours.

4.27 In relation to contamination, the report found low risk of contamination but a condition in respect of unexpected contamination is recommended.

4.28 Recommend one space for electric vehicle re-charging.

EXTERNAL

Holgate Planning Panel

Object on planning grounds:

- Loss of local amenity
- Loss of local community asset
- Loss of Heritage building important to the local area.

Yorkshire Water

4.29 No objection, however no evidence of positive drainage has been provided and the discharge rate is based on areas only assumed to drain to public sewer. Evidence of existing impermeable areas positively draining to the public sewer is required to prove rate of discharge. Recommend condition.
Ainsty internal Drainage Board

4.30 The Board recommends that the applicant carries out soakaway testing to accommodate a 1:30 year storm event, plus a 20% allowance for climate change. If testing proves unsatisfactory, the applicant will have to re-consider their drainage strategy. Conditions recommended.

Victorian Society

4.31 Comments initially made

Object:

- The development will entail the total and unjustified loss of a locally significant building, and harm to the quality and character of the local streetscape. The building is referred to in the Buildings of England as one of "two large 1880s gabled villas, tile-hung and half timbered". Inclusion within the book is evidence of the building's merit and interest.
- Its generous proportions, richness of elevation treatment, tall chimneys and notable detailing, make it an accomplished and highly impressive edifice. The historical and community associations derive not just from the building's use as a public house, but from its former guise as the Godfrey Walker Nursery, a use it served from 1946. In our view the building satisfies the selection criteria for inclusion on the Council's list.
- A core planning principle is that heritage assets are "conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations"
- Reference is made to the National Planning Policy Framework and the weight to be attached to the desirability of preserving or enhancing the significance of heritage assets, and account to be taken of the effect of applications (*relating to a heritage assets*) on the significance of a non-designated heritage assets.
- National policy presumes in favour of sustainable development. The protection and sensitive management of the historic environment is a key part of the environmental aspect, the scheme neglects this by proposing the loss of a locally significant building.
- The NPPF asserts that good design is a key to sustainable development, new development should respond to local character and history and reflect the identity of local surroundings and materials, and should promote or reinforce local distinctiveness. The proposed building would fall short of the quality and character the site, its surroundings and national policy demand. Therefore it is not sustainable development.

The Council should inscribe the building on its Local List and ensure its preservation, in the first place by refusing this inappropriate and harmful application.

4.32 Additional comments received after Planning Committee on 18th October 2017.

- Concerned to note that the decision to approve appears to have been taken on the basis of several crucial errors.
- insufficient evidence for the justification for the demolition of The Carlton Tavern. Cannot find reference in any of the Design and Access Statement Documents of Heritage Statement to the justification set out in paragraph 4.29 of the officers' report.
- Concern that it was stated by several Councillors that the Carlton Tavern is not a heritage asset. This is incorrect. The Carlton Tavern is explicitly considered by all parties, including the Local Authority to be a non-designated heritage asset. It is therefore a 'heritage asset' in the formal terms of the NPPF.
- There are different degrees of heritage significance. There is a sliding scale of heritage significance within the wider category of 'non designated heritage asset'. In the case of the Carlton Tavern the degree of significance is clearly at the upper end of the scale. It is not necessary to have an adopted local list to confirm this.
- Taking this into account, the relevant national planning policy that should be used as a guide to decision making in the case of the proposed demolition of The Carlton Tavern is NPPF Paragraph 131.
- The relevant test when considering harm to a non-designated heritage asset is paragraph 135 of the NPPF.
- It is a statutory duty of the local planning authority to make decisions in line with national and local policies. Any exceptions would require 'clear and convincing reasons' which are not demonstrated here.
- Any harm arising to the non-designated heritage asset will clearly require robust justification, which again is not considered to be provided here.

Conservation Areas Advisory Panel

4.33 Whilst the existing building is not listed the Panel understand that it had been proposed for the Local List and recommended for an ACV (Asset of Community Value). The possible loss of this building, in the style of Pentyl, is regretted and it is felt that the replacement building would be a poor substitute.

York Civic Trust

4.34 Objects, stating:

- The Carlton Tavern is an important non designated heritage asset. Acknowledge the submission of a quality heritage statement as part of the revisions and agrees with the Heritage Statement's assessment of the significance of the Carlton Tavern to be considerable.
- Well preserved example of a late Victorian villa set in its own grounds with many of the key features identified with the Domestic Revival style.
- Historic significance
- Aesthetic significance
- The Civic Trust agrees with the Heritage statements assessment that the impact of the demolition of the Carlton Tavern is 'considered to cause substantial harm to (this) non designated heritage asset' (p40)
- Applicant's argument that the Carlton Tavern would have to be demolished is not sufficiently compelling. Queries whether it is not possible through the positive use of constructive conservation and good design that the existing villa can be connected with a new development wing of care home bedrooms to the rear. Also whether some of these non-residential functions could be housed in the existing Victorian villa.

4.35 In conclusion, the Trust believes that the demolition of the Victorian villa is not justified due to its heritage associations, good condition and existing use. Therefore the objection is maintained. The Trust further believes that a solution can be found to incorporate the villa with new residential care provision and attached to the rear. Urge applicants to consider this.

Council for British Archaeology (CBA)

4.36 The CBA objects to the application for the demolition of The Carlton Tavern which is a locally listed building of clear heritage value. Demolition would result in significant harm to the heritage asset. The applicant has not provided a clear and convincing justification for demolition in accordance with paragraph 132 of the NPPF. The CBA advocates conversion.

SAVE Britain's Heritage

4.37 Strong objection; The Carlton tavern has considerable historic and architectural interest, which is evidenced in the local listing. Its demolition would substantially harm the character and quality of the local area. The applicant's own Heritage Statement concludes that the building has considerable evidential, historic and architectural value and demolition would cause substantial harm. There are significant local and national objections to this application. The building is being

used currently and is clearly capable of being used for an alternative purpose. The onus is on the applicant to demonstrate why demolition is necessary but no case has been made.

York Conservation Trust

4.38 Object to the demolition of the villa. The property has sufficient historic, architectural and communal significance to ensure that it should be saved if at all possible. The justification provided for demolition does not consider other possible uses.

PUBLICITY

4.39 A letter has been received from Councillor Keith Myers (Acomb Ward) who objects to the proposed demolition of 'this unique building in Acomb' and would like to encourage the developers to keep the building intact and incorporate it into a new scheme so that future generations can admire this wonderful mansion.'

4.40 Councillor Sonia Crisp – Holgate Councillor, objects for the following reasons:

- Loss of community facility as it was a viable public house.
- Destruction the street scene. A beautifully designed house set back in lovely grounds. To demolish it would be a crime.
- Over saturation of care homes. Oak Haven is to be re-developed almost next door.
- We must preserve much loved houses outside the city centre. Everyone knows this building in Holgate and Acomb. To demolish it would be a crime.

The consultation was poor and not conducted in an appropriate place.

4.41 A letter from Councillor Andrew Waller, states that whilst the application is outside the Westfield Ward he has received concerns about the loss of a historic building. There has been considerable interest in other parts of the city to retain buildings which have character and retain links to the heritage of a place. The Carlton Tavern does fall into this category as it is close to the historic Front street Core of Acomb. New life was brought to the former Acomb School building to retain its distinctive appearance to local community and I hope that the same can be done with the plans for the Carlton Tavern building.

4.42 The application was advertised by consultation with immediate neighbours and the erection of a site notice. To date 148 letters of objection have been received which raise the following points;

- The building is of great historic, architectural, community and historic value. This is recognised by the Heritage Statement submitted by the applicant. It is

also recognised by the inclusion of the building in the York Open Forum Local List. The importance of local lists has also been recognised by Historic England who recently issued a Local Heritage Listing Advice note.

- The building fulfils all the criteria of a non designated heritage asset. The building has many interesting features including mullioned windows, tile hanging, half timbering and superb brickwork on the chimneys. Its position behind trees and lawns is a pleasant contrast to the more mundane buildings that surround it. Once destroyed it can never be recreated.
- There are significant local and national objections to the development. The loss of the building would harm the character of the area. The main contribution being the local townscape as a landmark building, its historical significance and contribution to our understanding of the development of York's suburbs, as a children's care home, and for its social and communal significance as a public house. According to the Local Heritage List for York, Supplementary Planning Document (Consultation Draft 2013), 'the City of York Council values York's local heritage.
- The application runs counter to national planning policy in the NPPF by resulting in the loss of an existing heritage asset.
- The building is an example of how architects used to value the aesthetics of the outside of the building whilst combining it with the practicalities on the inside. Residents of a care home will appreciate the older style of building rather than monotonous boxes. Revised plans should be submitted by a conservation accredited architect.
- A 'Sense of Place' is identified by CYC as key objective of forthcoming regeneration vision for Acomb. A beautiful building like this can only help with the drive to make Acomb one of the affluent areas of York. The building forms part of the wider destruction of Victorian and Edwardian early 20th century in the suburbs immediately outside York City Centre.
- No clear case for demolition. Re-development alongside existing should not be a financial objection, with living quarters in the new build. Other business options should be explored including intergenerational community needs including hotels and pubs. We should be preserving our history, i.e. the cold war bunker and Holgate windmill. Visitors to the windmill and bunker are welcome to use the car parking facilities. The only building of age left in the Acomb area. To lose this handsome building and replace it with a bland edifice would be a disaster. It wouldn't be demolished if it was within the city walls.

- Agree in providing care facilities and recognise they are needed in the community, but object to the demolition of an architecturally significant building- an Edwardian Villa on a key thoroughfare that is part of the architectural character of Acomb.
- The proposed building aesthetically detracts from its surroundings due to lack of architectural and historic merit, whereas the current building enhances them.
- As a 16 year old I did my Duke of Edinburgh and had to visit the Godfrey walker children's home every Saturday to help with the children. I now live in Hobgate opposite the building and visit it regularly for a meal.
- Already too many buildings of this period have been demolished to make use of their space for commercial gain. Two organisations, neither from York, are combining to rob our locality of an important building.
- The building could be readily modified to house residents, either as a home or apartments, and there are already too few green spaces along this stretch of streetscape. The Old Rectory on the corner of the Green in Acomb was developed and preserved with buildings erected around it rather than knocked down which was a good compromise and retained a beautiful building whilst recognising the inevitable economics.
- The existing building could be used for a community hub for projects for the local community if the pub is to close?
- if retained, the front of the building could be used for a car park with the existing rear car park used for an extension.
- loss of healthy trees outside which will result in looking into windows.
- The building is a comforting relic of an age of 'dignity and high standards.' It is an excellent example of a type of building that was once common in Acomb. . The negative impacts of the loss of a largely original arts and crafts building and grounds and replacement of a building of questionable quality are not balanced by any local public benefit.
- Despite strong objections, Oak Haven was closed by the council in 2016. There is an empty care home next door but one, and should also consider Low Field Green, and the Old Manor School.
- Should ensure that all the trees shown on the plans are kept as part of the development, they are a pleasing aspect of the area.

- Despite some of the noise from the public house, it is a lovely building architecturally.
- Huge loss to community, and negative impact on Acomb. It is one of the largest pubs in the area, and has the biggest garden, car parking area and one of the few pubs that provides food on a daily basis. Asset of Community Value should be a material consideration. Accessible to those without a car.
- Dispute Marston's claim that it is not a profitable pub. No evidence that different owners would not be able to make the business viable.
- do Question the location for the care home given the loss of amenity that will result. Likely to be a number of potential sites in York suitable for a new care home, but once the Carlton tavern has gone, they will have lost an asset for ever.
- It is a waste of resources and not environmentally friendly to destroy a building and rebuild on the same site.
- .
- Not a good idea to have so many similar premises in the same area. Oak Haven is virtually next door. Uphill access not appropriate for a care home.
- The care home will increase traffic congestion. Insufficient parking spaces provided. Opposed to the plans for a pedestrian access which is directly adjacent to neighbouring property
- Does appear to be a master plan for care provision covering this site, the neighbouring Police and Oak Haven sites together with others in Acomb including Low Field Green.
- Bat roosting- A European protected species licence will need to be secured to lawfully protect bats.
- Four storey building, as it will allow no light to an adjacent property. Which only gets natural daylight during the afternoons and evenings. The solar study is not a true representation of the impact of natural light and should be re-calculated. The building is unsightly and overbearing and will take away light and outlook of sky and trees. Lounge/dining will look overlook into adjacent property. Loss of daylight, will require electric lighting at a cost. . Residents and visitors can look over balcony to adjacent property.
- It might appear the revised plans are better but that is only because it was so enormous originally
- The original notification of the care home plan did not include the fact that it

was to be four storeys high? Issues with notification letters arriving later.

- Concern that those with dementia will be on the top floor and rarely get out. They need fresh air, sunshine and daylight.
- The Carlton Tavern is a haven of green space amongst concrete modern construction where families can gather. Desirable to retain the garden to the front and trees.
- A shame that the council is allowing the applicant and owner from outside community to push through an 'expedient' solution rather than trying to invest in, and preserve our history.
- Do not object to conversion to care home but so many of the Victorian Villas of York's grandees have been swept away in the last forty years; Nunthorpe Hall, The Ashcroft, Burnholme, Burton Croft et cetera. The City is losing a contiguous part of its history, every time a villa of the 1870s-1890s is destroyed. As a city saying that our representative stock of fine architecture has a gap between the 1880s to the 1980s? It tells York's story and gives the city its special character.
- A community project would create community cohesion and bring more jobs to the area in the long run. It would help regenerate Acomb. Acomb/Holgate is now a popular area full of young working families with no resources
- There are enough luxury flats in York
- As a childminder I ensure that the children in my care know all about the history of this wonderful building. To lose it would be a terrible shame and would undoubtedly mean that its story would be lost in history too.
- Demolition is not a sustainable option as The Carlton Tavern building is capable of continuing use.
- Object to the construction of a nursing home on the site. I feel that it would be far better suited to a community use as proposed by Social Vision. There is a lack of facilities in the immediate area.
- It is important to have a mix of housing and businesses in Holgate Ward.

4.43 letter of objection has been received from Councillor Stuart Barnes, and

includes the following;

- Plans for a new venture at the site that has been referred to in the Press.
- Given the heritage value of the site and its status as an Asset of community Value, time should be given for the delivery of an alternative proposal.
- Many of the residents from the Acomb Ward use the pub and are familiar with the site. I have repeatedly heard residents stating that the area needs more quality restaurants. It appears that there is a possibility of supporting others to deliver this whilst enhancing the heritage features of the Carlton Tavern.

In relation to the objection to the pedestrian access, this has now been deleted from its location adjacent to Baildon Close.

5.0 APPRAISAL

Key Considerations:

- Principle of use Sustainability of location
- Loss of public house
- Community benefits of the proposal
- Demolition of The Carlton Tavern.
- Design
- Sustainability
- Impact on neighbouring occupiers
- Landscape assessment summing up required.
- Open space
- Ecology
- Access
- Drainage
- Air quality, noise and emissions

PRINCIPLE OF PROPOSED USE

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

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

(b) There are specific Policies within the Framework which would indicate that development should be restricted.

In terms of 14(b), the footnote to Paragraph 14 details the types of issues which could be considered to fall within this category. Case law confirms this list of examples is not closed, and therefore the fact that non-designated heritage assets are not listed in the footnote does not in itself take the application out of 14(b). However, the specific Policies in the Framework that apply to non-designated heritage assets are at paragraphs 131, 135 and 136. Whilst these policies refer to matters that should be taken into account when determining the application, the policies do not require a more restrictive higher test to be applied in the planning balance, and thus the “tilted balance” in favour of sustainable development still applies. (see *Telford and Wrekin BC v Secretary of State for Communities and Local Government* [2016] EWHC 3073).

Paragraph 17 sets out the Core Planning Principles. These include a number of relevance to this Application. They are that planning should:-

- proactively drive and support sustainable economic development to deliver the homes that the country needs
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- support the transition to a low carbon future in a changing climate and encourage the reuse of existing resources, including conversion of existing buildings
- contribute to conserving and enhancing the natural environment and reducing pollution.
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

5.2 One of the core principles within the NPPF (para.17) states that in decision making, planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and

thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Section 6 of the NPPF seeks to ensure the delivery of a wide choice of high quality homes. Para 57 references the need to boost significantly the supply of housing.

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

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

5.4 The Council does not have an up to date adopted plan, and therefore the NPPF and supporting guidance in the NPPG carries most weight. However some weight can be afforded to the evidence base that underpins the emerging plan. The Council’s Forward Planning team has advised that the provision of additional care home bed space supports the Local Plan’s emerging approach, and reflects evidence from the strategic Housing Market Assessment regarding likely demand due to demographic changes over the period to 2032 and beyond. The involvement of the private sector in delivering such accommodation is further stated in the Council’s Older Person’s Accommodation Programme and Older Persons Housing Strategy.

5.5 This position is reinforced by the response from the Council’s Adult and Social Care Officer who states that York has a significant under-supply of good quality residential and nursing care accommodation which will continue to rise if no new care homes are built. This would have a profound and negative impact on the care and health “system” in York, leading to potential delays in people leaving hospital beds, people continuing to live in inadequate accommodation and diminished support for informal carers. It is noted that planning applications have been approved for care provision at Fordlands Lane, Fulford, and Burnholme, with a further planning application likely to be submitted at Lowfield Green. Notwithstanding these applications, the shortfall of residential and nursing care beds is still projected to be 820 by 2020.

5.6 Policy CYH17 of the Draft Local Plan states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions of unimplemented planning permission would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport. It is considered that this policy carries little weight; nevertheless the proposed development does not conflict with it. The nearby care home has closed, and even if re-developed for a similar purpose, it is not considered that the two sites would have an adverse impact on the area. It is considered however that access to facilities is of particular importance to the acceptability of the siting of a care home in this location. In this

case, there are a number of local amenities within walking distance of the site including shops, post office, bank, doctors' surgery, pharmacy, church and library.

5.7 Subject to the consideration below of paragraphs 135 and 136 (loss of Heritage Asset), and section 8, paragraph 70 (loss of community facility), the proposed use accords with the NPPF, and emerging Local Plan policy.

LOSS OF PUBLIC HOUSE AND RESTAURANT

5.8 Policy C3 (Change of use of Community Facilities) of the Draft Local Plan states:-

“Planning permission will only be granted for the redevelopment or change of use of social, health care homes, community and religious facilities where;

A) the proposal is of a scale and design appropriate to the character and appearance of the locality; and

b) it can be demonstrated that the existing land of buildings are surplus to, or no longer capable of meeting the existing or future needs of the local community, or

c) it can be demonstrated that alternative sites for the existing use can be provided.”

Because the Plan is not up to date, or adopted, the weight given to this policy is very limited. Nevertheless, it is considered that it broadly accords with the value that the NPPF gives to community facilities.

5.9 Section 8 of the NPPF relates to promoting healthy communities. Paragraph 70 is particularly relevant to the loss of a public house and includes the following;

“ To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities abilities to meet its day-to-day needs.*
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.*

5.10 Letters from objectors demonstrate that the public house is valued locally and provides a community place for different members of society, including families, groups and individuals. This value is heightened by the history and architectural value associated with the building.

5.11 The support in the community for the Carlton Tavern is emphasised by its nomination and listing as an Asset of Community Value (ACV). This means that a qualifying community group can, within six weeks of the listing, notify the Local Authority in writing that they wish to be treated as a potential bidder. On doing so, a six month moratorium on sale is imposed, giving the qualifying community group the opportunity to bid to acquire the ACV. Crucially however, the owner is under no

obligation to sell to them. As such, the owner of the asset may still choose to sell on the open market at the end of the six month moratorium. The application by The Friends of The Carlton Tavern (The Friends), to list the public house as an ACV was received on 21st March 2017 and it was listed on 6th April 2017. The Owner notified the Local Authority of their intention to dispose of the property on 10th April 2017. The Friends confirmed that they wished to be treated as a potential bidder on April 28th 2017. The six month moratorium on the owner selling to anyone else therefore expired on October 10th 2017. The Owner is now free to dispose of the ACV as they wish, and this position is protected until 10th October 2018.

5.12 The applicant has provided information to demonstrate that the groups nominated in the ACV make relatively limited use of the Carlton Tavern. Nevertheless whether that is the case or not does not in itself demonstrate that the public house does not play an important role as a community asset. It is considered however that an appropriate test is to ascertain whether the development would result in the 'unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs' (Paragraph 70 NPPF).

5.13 The proposed demolition has arisen as a result of Marston's decision to sell the site. However the application has also arisen due to the significant need for care provision in the City of York. It has been stated earlier in the report that using national benchmarks, York is currently short of 657 residential and nursing care beds and that this shortfall is likely to rise to 672 by 2020 even with planned provision elsewhere. It is also considered that there are some challenges to finding suitable sites, because, much of York is constrained by Green Belt, and the scale of the building required can be such that locations within conservation areas, or the setting of listed buildings are not acceptable on heritage grounds. The need for the accommodation weighs heavily in the planning balance.

5.14 In terms of The Carlton Tavern, it is noted that the facilities are such that they may appeal to a wide range of customers. Food and drink is served, and the outside space includes attractive grounds and a play area. The applicant has also provided information to demonstrate that whilst the development would result in the loss of a community asset, the day to day needs of the community can in fact be met by other facilities. They state that there are nine pubs within 1 mile of the Carlton Tavern. These include The Inn on the Green, The Fox Inn, The Marcia Grey, The Clockhouse, The Sun Inn, The Puss 'N' Boots, The Ainsty, The Beagle and The Green Tree. It is acknowledged that such facilities do not necessarily provide all the facilities that are available at The Carlton Tavern. The facilities include drinking establishments, and those that provide food. Other facilities such as the play area and outdoor seating can be provided by parks and other open space in the locality, with community buildings providing meeting rooms. It is also of importance that the care home itself as proposed can be considered to provide community facilities that can be used by local people and not just residents.

5.15 The NPPF advises, in Paragraph 69, that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities To help deliver the social, recreational and cultural facilities and services the community needs, Paragraph 70 advises that planning decisions should plan positively for the provision and use of shared space, community and other local services to enhance the sustainability of communities and residential environments;

5.16 The site is located within close proximity to many facilities as detailed above and also residential development. This will provide benefits of integration between the care home and the local community. Furthermore, the submitted documents (Community use assessment, Design and Access Statement, and Addendum A to the Design and Access Statement), state that the care home will ' incorporate space which is accessible and available to the local community both to provide a facility (e.g. a meeting room) and to facilitate inclusion and interaction within the care home'.

5.17 The care home contains an activity room on the third floor which will be available for the wider community to use for meetings and other activities. This can be booked through the on site management team. The applicant has confirmed that they will guarantee the availability of this room for a specified number of hours per week. In addition, the care home has a café/dining facility at ground floor which will be open to the wider community during visitor opening hours. At the third floor level there is a cinema, gym and therapy room which will be open to the over 55's who live in the area. The applicant has advised that they are willing to enter into a section 106 agreement to commit to ensure that there are opportunities for the wider community in particular the wider older population to utilise the facilities.

5.18 It is concluded therefore that the public house is valued by a sector of the community, however given the level of other public houses, open space, cafes restaurants, and places for people to meet, it is not considered that the closure of the Carlton Tavern would harm the well-being of the community, or indeed reduce its ability to meet day to day needs. Furthermore, the use of the site as a care home would also provide community uses, in particular for older people. As such it is considered that the benefits of the development in providing much need care for the elderly and the community facilities to be provided, outweigh the limited weight afforded to policy C3 of the Draft local Plan, and accords with the relevant parts of Paragraph 70 of the NPPF.

DEMOLITION OF THE CARLTON TAVERN

5.19 One of the Government's Core Planning principles as set out in the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. In determining planning applications, Paragraph 131 of the NPPF states that local planning authorities should take account of the desirability of

sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Para 135 of the NPPF specifically relates to non-designated heritage assets and states;

“135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

5.20 Historic England reported on September 2017 that they received a request to assess the Carlton Tavern for listing in the national List as a building of special or architectural interest. They concluded that although the Carlton Tavern does not meet the criteria for listing in the national context it undoubtedly adds to the historic character of the neighbourhood and clearly illustrates the middle-class suburban development associated with certain areas of York. As such it is a good example of a particular type of locally listed building which is increasingly coming under threat of demolition. Nevertheless, in a national context, the building does not have the necessary level of interest to be added to the List. Whilst The Carlton Tavern is not included on the statutory list of buildings of special or architectural interest, it is considered that it meets many of the criteria of non-designated heritage assets. It has community value; it has unquestionable architectural value and a high aesthetic design. The site is not within a conservation area, but is roughly equidistant between Acomb Conservation Area, which lies 0.7km to the west, and the St Paul's Square/Holgate Road Conservation Area, 0.8km to the east. Originally called West Garth, the house was built in the early 1880s, and is an example of a late Victorian villa built in the Domestic Revival Style. It formed part of the initial phase of suburban expansion along Acomb Road, and that West Garth was originally one of two villa properties in this area; the second being Shelley House to the west. Shelley House has since been demolished and has been replaced by a large building accommodating flats.

5.21 The house was originally occupied as a private residence, however in 1946 was occupied as a nursery by the Godfrey Walker Home for girls. In 1976, the nursery closed and the building became a children's care home. The building was purchased by Marston's Brewery in 1993 and converted for use as a public house.

5.22 City of York Council does not have an adopted Local List, however the building is locally valued and is identified on the York Open Planning Forum. The forum states that a Local List is a community created register of buildings and structures that are of importance and interest to local communities because of their historic or architectural interest. It is clearly considered to have some significance therefore. The application is accompanied by a robust Heritage Statement that includes an assessment of significance, and justification of harm and proposed mitigation strategy. Whilst the asset is non-designated, the report has followed the criteria as

set out in the document Conservation principles, Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage, 2008).

5.23 The report ascribes considerable evidential value to the house. This is on the basis that the building is a well preserved example of a late Victorian villa set in its own grounds and including many of the key features identified with the domestic revival style. In terms of historic values, considerable value is placed on the contribution of the building to an understanding of the late Victorian villa development. Neutral value has been placed on the use of the building as The Godfrey Walker Nursery, because 134 Acomb Road was the original property associated with the foundation of the home. Considerable aesthetic value has also been ascribed to the building as a good example of the late Victorian domestic revival. However it states that it is not a specifically regional style, but is found nationally. Considerable value is also ascribed to the visual interest of the building with the 'eye drawn upwards by the chimneys oversized gables and mock jetties. A neutral is attributed to the communal value of the building which it states is related to its amenity value as a public house. Marginal value in terms of bringing together those who lived or worked at the Godfrey Walker Home and later children's care home has been ascribed.

5.24 Of particular importance is that the Heritage Statement states that whilst the building has had a varied history, the exterior of the building remains largely unaltered except for the addition of a single storey extension to the west side and the replacement of conservatory.

5.25 The value of the building has been highlighted by the objections from National bodies, The Victorian Society , Council for British Archaeology and SAVE, with concerns regarding the loss of the building from the Conservation Advisory Pane. The Victorian Society states that the fact that the building is mentioned in Pevsner's 'The Buildings of England' is evidence enough of the building's merit and interest, and with its generous proportions, richness of elevational treatment, tall chimneys and notable detailing, considers that it is an accomplished and highly impressive edifice and, as a result, consider that the building satisfies the selection criteria for inclusion of the Council's Local List. They have pointed out that historical and community associations derive not just from the building's use as a public house. In a similar vein, SAVE Britain's Heritage argue that the building has considerable historic and architectural interest. Consequently, both these bodies consider that the loss of this building would result in substantial harm to the significance of this building and, as a result, this application should be refused.

5.26 York Civic Trust and The Council for British Archaeology also make reference to the rich history of the building which relates to the urban development of western York and social care provision in the City. They further state that The Carlton Tavern is the last of the four grand Victorian/Edwardian villas that were once seen along Acomb Road. The Trust suggests a revision of the proposed scheme to use

constructive conservation and incorporate the existing Carlton Tavern building onto the nursing home scheme.

5.27 In determining applications affecting non-designated heritage assets such as this building the NPPF advises, in Paragraph 135 as mentioned above , that "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

5.28 Clearly, the demolition of the Carlton Tavern will constitute substantial harm to an asset which is of local importance. In determining whether this loss is acceptable, consideration needs to be taken of whether the benefits provided by the nursing home outweigh the loss of this non-designated asset. Whilst it is accepted that the building itself is too small to accommodate a building of the size required, in line with paragraph 131 of the NPPF, the applicants were asked to demonstrate whether the building could be converted and extended to provide the accommodation required.

5.29 The Addendum to the Design and Access statement which accompanied the application states that, the applicant had evaluated whether it was possible to reuse the existing building as part of the development. An additional report titled 'Justification for demolition' has also been provided. . This concluded that:

- The square shape of the existing building proves problematic to a re-design for a care home as the partition layout would create a number of oversized or cramped rooms, and also split windows between bedrooms. The footprint is too small, would not represent good economies of scale which requires 68-75 bedrooms and would limit the provision of communal space.
- The existing building does not meet the requirements of Part M of the Building Regulations due to internal level changes. It would not lend itself to a lift being incorporated, and the staircase does not provide adequate provision to satisfy part B of the building regulations in providing refuge zones.
- It does not provide the required level of fire and acoustic separation.
- High standards of acoustic thermal and fire attenuation need to be provided, and the building needs to be constructed of brick and block walls with concrete floor details to ensure fire, sound and heat attenuation.
- Window openings are not an appropriate height for a care home to enable anyone in bed to be able to see out. Views out of a window and natural light are identified as important design considerations.
- New build would be more energy-efficient than upgrading the existing public house.

5.30 Further details refer to the shape of the building and why it would not provide the correct level and layout of building. They advise that utilising the existing building

for the communal space with a new wing of accommodation to the rear has been fully explored and is not feasible because it would not provide sufficient bedrooms. In terms of a care home, the ground floor must incorporate a secure medical store and nurse station, manager's office, accessible WC, administration office lounge and dining space equivalent to 70sq metres. These have to have the correct relationship with each other and proximity to lifts etc. Retention and re-use of the existing building would require the entrance to be at the front of the building. This does not provide level access and would require increased walking from the car park. It is also clear that because the proposed building will be set significantly forward of the existing building that achieving the same level of accommodation is unlikely to be achieved.

5.31 It is considered therefore that sufficient information has been provided to demonstrate why the level of care proposed cannot be accommodated in the existing building with an extension to the rear. It is considered that weight must be given to the experience of the applicant in operating care homes elsewhere and the required working model. As such the decision is required to be made in relation to the submitted application for the demolition of the existing building.

5.32 The consultation response from Adult Social Care states that York has a significant under supply of good residential and nursing care accommodation caused by historic under investment and the strong competition that care home providers face to acquire land. It further states that the shortfall will remain even if planned accommodation comes forward. Members will be aware that other potential sites in the area include nearby Oak Haven. However Officers have been advised that for the type of accommodation proposed, the site is not large enough, and furthermore the site is being considered for the provision of 'extra care' accommodation.

5.33 In relation to the balancing exercise, the loss of the building will harm the character of the street scene and remove a tangible link to the history of the area. In view of the comments by three national conservation bodies, and the analysis in the submitted Heritage Statement. The Carlton Tavern is considered to be a non-designated heritage asset. Whilst considering the balanced judgment required in paragraph 135 of the NPPF it has to be born in mind that it is still not a building of sufficient significance to warrant inclusion on the National List for England, and it is not within a conservation area. In addition, City of York Council does not have an adopted local list. Therefore, the weight that needs to be given to retaining this building is considerably less than if it was a designated heritage asset. Accordingly, a "balanced judgement" has to be reached weighing up the benefits of this application as a whole against the dis-benefits that would result from the loss of this locally important building.

5.34 In reaching a balanced judgement, it is considered that the loss of this non designated heritage asset does not significantly and demonstrably outweigh the benefit of the delivery of accommodation for 74 residents. It is recommended

however that if permission is granted, the proposed mitigation in the Heritage Statement should be subject to conditions. This includes:

- The comprehensive archaeological buildings record of the house and grounds in accordance with Historic England's levels 2/3 providing a descriptive and analytical record of the building comprising a written, drawn and photographic survey.
- Archaeological evaluation
- Careful demolition and salvage of historic fabric to be used in the proposed building or in the conservation of other buildings in the city
- The retention of the boundary walls and;
- Consider preserving the historic value of the former house in ways such as naming the care home to reflect its history and the preparation of publication material on the history of the site to be kept in the building for both residents and members of the public.

OTHER HERITAGE CONSIDERATIONS

5.35 NPPF paragraph 136 states:

“136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

5.36 Officers are satisfied that there is sufficient evidence from the developer that the development will proceed after the loss has occurred. However, it is open to Members to include a condition requiring the letting of contracts for the redevelopment prior to demolition of the building, if it is felt that such a further step is reasonable to comply with paragraph 136 of the NPPF.

5.37 The Heritage statement identifies that the new development will not be readily visible from Acomb Conservation Area, or St Paul's Square/Holgate Road Conservation Area. Given the distance of the site from these conservation areas, and the context of the site, it is not considered that the proposed development will harm the setting of either conservation area.

SETTING OF COLD WAR BUNKER

5.38 York Cold War Bunker lies to the rear of the Shelley House to the north east of the application site. A small area of its curtilage shares a common boundary. It is a monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. The monument includes a semi-sunken earth covered headquarters, together with its internal and external fixtures and fittings. The monument was opened on 16th December 1961, replacing a World War II surface building near to York race course. Next to this office building is a small store for radioactive isotopes and the

footings for a timber hut which was used as a cinema for staff training purposes. Although these structures are not included within the area of the monument, the listing advises that they should be regarded as contributors to its setting. The scheduled monument itself is partly underground, and its historic associations are considered to be associated with its interior and history rather than its wider setting. It is therefore considered that the proposal would preserve the significance of the heritage asset.

ARCHAEOLOGY

5.39 There are no recorded archaeological sites within the application site. However there have been a number of features identified in the wider area. In view of this pre-determination evaluation was requested. The evaluation has just been completed, and comprised two 2m by 10m trial trenches in the lawned area to the front of The Carlton Tavern, in order to determine the presence or absence of significant archaeological deposits. The findings confirm that there are little archaeological remains surviving to the south of the building. However there is potential that less damage has been suffered to the north, and therefore it is recommended that any approval on the site is conditioned to require a Written Scheme of Investigation.

DESIGN

5.40 The government attaches great importance to the design of the built environment. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5.41 Paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Paragraph 61 continues that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.42 However, Paragraph 64 states that 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.

5.43 Policy GP1 of the Draft Local Plan carries little weight, however it broadly reflects the thrust of the NPPF in seek good design that reinforces local distinctiveness, and is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate materials.

Para 131 states that:

“ In determining planning applications, local planning authorities should take account of:

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
- *The desirability of new development making a positive contribution to local character and distinctiveness”.*

5.44 The applicant has responded to the comments by the Planning and Environmental Management and advised that their design team has amended the proposals to ensure a high quality design solution which compensates for the loss of the villa, with an 'equally aesthetically and architecturally appropriate form of development. They have further stated that the building will be set back 20m from the site boundary which is sufficient to ensure an appropriate landscaped setting to the building. In relation to topography, they state that the need for level access throughout the building dictates finished floor levels. The finished floor level has been set at the existing level at the main entrance, in order to minimise any level changes to the access road which may impact on the root protection areas. In terms of the scale of the building, there is a critical mass and number of bed spaces for a viable care home, and it is not possible to step the building down at the north due to the need for level access.

5.45 Detailed negotiations have been carried out with the applicant throughout the application process, and revisions have been made to the original design, including a reduction in the height of part of the rear portion of the building. The front elevation has also been revised to respond to more traditional detailing in the area. The architects have assessed characteristics of the area and advice that: 'A dramatic roof form, strongly expressed gables, decorative gable chimney, bay windows, and a responsive palette of materials which make historic references to the former building have been incorporated into the design'.

5.46 In terms of scale, there are a number of buildings in the locality of significant scale. This does not just relate to Shelley House, but to the terrace housing that lies to the east and fronts Acomb Road. They are over four storey in height. Indeed whilst set slightly further forward, the ridge height of the proposed building is slightly lower than that of Shelley House. The buildings to the west are of a significantly smaller scale, however the set back of the building, and the mature setting of significant trees, softens the transition between the buildings. It is not considered on balance therefore that the height of the building in itself is unacceptable in the streetscene.

5.47 It is also considered that some of the design elements proposed relate to detailing of buildings in the area. The proportions of the windows set in deep reveals make reference to the windows in the terrace houses to the east of the site. The use of overhanging eaves and the detail of the gable, and brickwork makes reference to some design features on The Carlton Tavern and older houses in the vicinity. It is considered that subject to the use of a high quality palette of materials the building will be of a higher quality than the existing development to the west of the site. Furthermore the choice of materials and the robust detailing of the design are likely to stand the test of time better than inferior quality buildings that have poor quality.

5.48 The Carlton Tavern itself has significant aesthetic interest and architectural detailing, and is also enhanced by its location set back from the road in a well landscaped spacious setting. The buildings that lie immediately to the west of the site do not have a strong aesthetic, and do not in themselves re-enforce local distinctiveness. The police station, former nursing home and Baildon Close are of limited quality. Indeed this is true of much of the development on this side of the road, westwards along Acomb Road. Shelley House makes some reference to elements of surrounding buildings, but again is not truly reflective of the area. It is recognised that by its very nature, a care home is inevitably a large building and inevitably will be designed in a manner where form follows function. This has been demonstrated further in the need for providing level access throughout the building. It is also recognised that in order to provide the level of accommodation required in a building of perhaps two storeys would take a far greater site area that could be unviable. It is regrettable that a viable scheme could not be delivered that retains the original building to the front, with for example a contemporary extension to the rear. This suggestion has been considered in more detail in the Heritage Section.

5.49 The loss of the Carlton Tavern will be a significant loss to the character of the area, both from an architectural viewpoint, of a high quality building in a landscaped setting, but also because of the history of the building which is important to local people. Given the loss of a building of such architectural merit, it is not considered that the development will result in an enhancement to the character of the area. The proposed building has however picked up on some elements of local distinctiveness in terms of the quality of the materials, the deep eaves, bay window jettied out, strong chimney and the proportions of the windows and depth of the reveals. Furthermore, it is not considered that the new build would be out of keeping with the general character of development on this part of the northern side of Acomb Road. The integration of the building and use in the locality, and the provision that it will itself provide accords with that part of Paragraph 64 that relates to improving the way it functions.

5.50 The acceptability of the building in design terms is finely balanced and is inter-related with the demolition of a building of local significance. However, it is considered that subject to a high specification for all materials, the scale of the building is acceptable, and the design references to characteristics of local vernacular are on balance acceptable.

SUSTAINABILITY

5.51 Policy GP4a of the Draft Local Plan states that all development should have regard to the principles of sustainable development. This requires that development demonstrates the accessibility of the site by methods other than the car, and to be within 400m of a frequent public transport route. Section 10 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change, and within Paragraph 95 states that local planning authorities should plan for new development in locations and ways which reduce greenhouse gases.

5.52 The application site is within close proximity to public transport routes. The Design and Access statement identifies that the closest bus stop to the site is less than 300m. This provides access to a number of destinations including York City Centre, Wiggington, Chapelfields, Tadcaster, and other parts of Acomb. There are also many facilities within 400m of the site including shops, a church, and dentist.

5.53 There are also significant facilities within 900m of the site, including more shops, cash points, post office, school, library and working men's club. The site is also within a residential area which will support the potential for those working at the care home to access the site by walking, cycling or the bus. As such it is considered that the development accords with Policy GP4a a) of the Draft Local Plan.

5.54 In terms of the building, the Design and Access Statement advises that the scheme will achieve a level of energy efficiency equivalent to the former Code for Sustainable Homes Level 4, and will incorporate energy-efficiency into the building fabric as per Part L of the building Regulations. Low water-use sanitary ware will be installed. It is also proposed to re-use some of the materials from the existing building where possible. The Design and Access Statement further states that measures to maximise solar gain will be implemented but that overheating of the building is also avoided through passive measures in order to reduce the need for mechanical cooling. Lower water-use sanitary ware and appliances will also be specified. The revised plans show that a green roof will be provided over part of the building, to reduce surface water run-off in addition to benefiting ecology and visual impact. The updated energy statement also advises that photovoltaic panels will be incorporated on the roof. To ensure full compliance with policy GP4a of the Draft Development Plan and section 10 of the NPPF, it is recommended that any permission should be conditioned to require specific details to deliver energy efficiency throughout the building and site.

NEIGHBOUR IMPACT ASSESSMENT

5.55 In terms of the impact of the development on neighbouring occupiers, Policy GP1 i) states that development will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. This is re-affirmed in one of the core planning

principles of the NPPF which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.56 The site is surrounded by existing residential development, with flats to the north, west and east of the site, and two storey dwellings to the south across Acomb Road. It is considered that the separation distance between the proposed building and those dwellings to the south is well in excess of distances commonly considered acceptable. It is also considered that the distance of at least 26m from Heritage House to the north is acceptable. Officers however raised significant concerns regarding the proximity of the proposed development to Baildon Close, to the west, and Shelley House to the east. This was in relation to the potential for overlooking, and the overbearing impact. A detailed letter of objection has been received from an occupant on the ground floor of Shelley House. In relation to neighbour amenity the main objections relate to the overbearing impact of the building, loss of outlook, overlooking and appearance of the building. The resident further states that her flat gets very little light due to its location at a lower ground level, and overshadowing from a boundary wall. Consequently the only time of day that the flat receives light will be affected by the new care home. In view of this, the plans have been revised on a number of occasions as detailed in the proposal section of the report.

5.57 Of particular importance is the increase in the separation distances between the Care Home and both Baildon Close and Shelley House. The two and three storey element of the building is now a minimum of 21m Baildon Close. The rear section closest to that property has been reduced to single storey. This element has a separation of 16m. Whilst this would otherwise particularly given the change in levels, at present the site is screened by a broad area of existing planting which includes some evergreen species. In view of this, those properties have for many years been affected by the overshadowing of the trees. Accordingly if this landscaping is retained, the additional impact on their existing amenities will be less significant than would otherwise be. The proposed landscape management plan has been revised to include a wider section of planting in this area, to include an instant Laurel hedge at approximately 2.5m to 3m high. In addition some of the existing trees in this area will be retained. Overshadowing will occur at certain times of the day, but it is not considered that this in itself will have a significant adverse impact on their existing amenities. This is in particular as the existing planting on the boundary already causes some overshadowing. On balance, it is considered that the proposal is acceptable in relation to the occupiers of Baildon Close.

5.58 It is not considered that the proposed development will have a significant adverse impact on the existing amenities of those flats within the more central part of Shelley House. This is because they are already affected by The Carlton Tavern itself. The side windows on the southern part of Shelley House lie to the front of The Carlton Tavern, and the proposed building will be within 16m of Shelley House at its closest. However whilst this will have some impact on residents' amenity, this area is currently overshadowed by a large group of mature trees. The plans also

show that windows on the end of the care home at this point will be obscure glazed. It is also considered that the relationship between buildings that front a main street is characteristic of an urban area. As such it is not considered that the development will have a significant adverse impact on their existing amenities.

5.59 Significant concerns were initially also raised by Officers in relation to the impact of the development on that part of Shelley House that lies beyond the rear wall of The Carlton Tavern. The separation distance has now been increased to a minimum of 22m on this part of the building. Of particular importance is a reduction in a significant part of the building to a height of 9.3m as opposed to 12m that was originally proposed. The width of the windows has been reduced, and the balconies removed. The revised layout also provides for the planting of trees between the building and the parking spaces. It is considered that these revisions are a significant improvement on the previous plans.

5.60 Whilst loss of a view carries very little weight as a material planning consideration, the impact of a building by virtue of its overbearing presence and loss of outlook carries more weight. The reduction in the height of the building, will improve the outlook from Shelley House, and also reduce overbearing impact. Removal of the proposed balconies will reduce the perception of being overlooked. The impact of the neighbour on the ground floor in terms of loss of light will also be mitigated by the reduction in the height of the building. A final amendment to the solar report has been submitted. This demonstrates that in March, the hedge will cast a shadow over some parts of the curtilage to the rear part of Shelley House at 3pm, but that it will not impact on the building until 4pm. In June the impact on the building is from 6pm. In September, overshadowing occurs from 5pm. In December, the impact is from 2pm when the sun is lowest in the sky. Officers have taken account of the concern by the neighbouring occupier that this is the only time that the flat receives light. It is for this reason that so many changes have been sought. However it is not considered that the overshadowing will be so great as to warrant refusing the application. The reduction in the height of the building will be of greatest benefit in terms of reducing the impact of over shadowing. Nevertheless it is also noted that much of the impact on the lower parts of Shelly House are a consequence of the location of Shelley House at only 6-7m from the common boundary. And furthermore the ground floor flats are at a low level with little natural light due to their orientation on the western side of Shelley House and location in close proximity to a boundary wall. In contrast, the proposed building is set further away at approximately 13m to 16m from the shared boundary at this part of the site. It is further noted that there is a large coniferous tree close to the boundary with Shelley House which adds to the loss of light to some of the properties, and given its low value, is proposed be removed. This will certainly provide benefits to some of the flats. Whilst the neighbour concurs that the tree does overshadow, she expresses concern that its removal will increase the view of the proposed building. Additional hedge planting is proposed adjacent to the boundary wall, with tree planting to the rear of the parking spaces. This will provide some 'softening' of the view of the building. The reduction in the size of the windows that look towards

Shelley House, and the deletion of the balconies will reduce the perception of overlooking.

5.61 There is potential for an increase in vehicular movements along the driveway at certain times of the day and night. However it is considered that this is balanced by a reduction in the existing noise levels that can occur with those arriving and leaving the public house.

5.62 Taking into account the site situation, and its relationship with neighbouring properties, it is considered that the revised plans have reduced the potential for the development to have a significant adverse impact on existing amenities of neighbouring occupiers. Accordingly it is considered that the development accords with a core principle in the NPPF, and policy GP1 (i)

OPEN SPACE.

5.63 Chapter 8 (Promoting healthy communities) of the NPPF at Paragraph 73 refers to access to high quality open space. Paragraph 74 relates protecting existing open space. The Carlton Tavern currently has outside amenity areas associated with it. These include a children's play area. The play area will be lost as part of the development, and the open space reduced. The Council's Landscape architect has expressed concerns regarding the limited amount of open space associated with the development. The supporting information states however that 0.26 hectares of external amenity space will be retained, and will be tailored to the needs of the residents. It will form a series of functional spaces suitable for elderly residents. The main terrace to the south will provide a multi-purpose external space associated with the main lounge area allowing for activities, eating and socialising. This will be partly enclosed by a long border of herbaceous planting provided seasonal interest, colour and texture. There will be a sensory garden at the end of the terrace, in a series of raised planters. Footpath routes to the south of this area and through the trees will be formed, and these will run along the western side of the building. Around the woodland walk will be informal seating areas, sculpture, bird feeding stations and botanical labelling of plants. In addition to these more natural areas will be outdoor space directly adjacent to the building. Some of the areas will include semi private enclosures through the use of decorative screens and climbing plants. There will also be a continuous pathway directly adjacent to the building. Additional tree planting will also be planting alongside the eastern elevation of the building, together with a hedge along the boundary with Shelley House.

5.64 Accordingly it is considered that the amenity area proposed will be well designed to reflect the needs of the occupants, and the benefits of a garden designed for the elderly outweighs the loss of the existing amenity area associated with the Carlton Tavern.

LANDSCAPING

5.65 The application was accompanied by an Arboricultural Impact Assessment. However, as set out in section 3 above, the Council's Landscape Architect concluded that the building is too large for the site; and protected trees would be threatened by construction operations and the proximity of the canopies to the building. In response to this, the applicants submitted a revised landscape plan. This included revising the kerb line on the access to allow the retention of an Oak and Sycamore. The 'Grasscrete' to the north of the site will be retained to avoid potential damage to root tissue. The woodland walks to the west of the building will be no-dig construction. Further information in relation to the construction methodology was also provided, together with more details of the steps and lift to the front of the site.

5.66 The Council's Landscape Architect revised her comments in the light of the revised information and after a meeting was held with the applicant's arboriculturalist on site.

5.67 She remains concerned that the tightness of the scheme poses a risk of damage to the perimeter trees. However she confirms that with professional supervision and adherence to a detailed method statement, it would be possible to construct the proposed building with an acceptable degree of risk. This however is with the exception of the steps and wheelchair lift to provide pedestrian access. She advises that: the excavations would be considerably deep and close to the oak tree (whose rooting zone is already limited by the existing access road) and remains unconvinced that this submitted detail to address the issue is acceptable in itself.

5.68 The architect responded to these concerns by stating that any building would require an acceptable level access. They have considered alternative options, but other possibilities also impact on the trees. The position of the lift and stairs has been optimised to lessen the impact to the trees affected by as much as possible. Whilst loss of root tissue is likely to occur during excavations to install the lift their arboriculturalist is of the opinion the trees would not be significantly affected either structurally or physiologically. They also state that the excavations will be undertaken under supervision of an arboriculturalist to document the actual impact and ensure that it is kept as minimal as possible. It is proposed that the stairs are created in situ with concrete poured into a form that matches the profile of the existing bank as far as possible in order to reduce further excavations within the RPA. The trees have good vitality and are likely to respond to any loss of roots with regeneration of new root tissue. Soil improvement works could also be undertaken, such as de-compaction and mulching, to further encourage root growth.

5.69 It is considered that the trees subject to a Tree preservation Order have significant amenity value. Whilst concern has been raised in relation to the impact of the development on trees elsewhere on the site, on balance the Council's Landscape Architect considers that any potential harm can be mitigated by a management plan. Concern remains in relation to the impact of the development as a result of the pedestrian ramp/lift. However it is not considered that the impact is so

great to the three trees concerned, that it would stand as a reason for the refusal of the application on its own. Accordingly, it is considered that subject to the requirement for a detailed method statement, to include an on-site arboriculturalist, the impact on trees is acceptable.

ECOLOGY

5.70 The NPPF makes it clear that the planning system should contribute to and enhance the natural and local environment by:-

- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible,;
- When determining planning applications, Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged;

5.71 To proceed with any development that may affect a bat roost, there is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species Licence granted by Natural England.

5.72 The Preliminary Ecological Appraisal (PEA) undertaken in January 2017 found an accumulation of approximately 150-200 bat droppings in the roof void of the public house, subsequent DNA analysis confirmed these to be from Common Pipistrelle bat. The private dwelling has features that could support roosting bats such as gaps leading beneath roof and ridge tiles.

5.73 Dusk and dawn activity surveys were undertaken in June and July 2017. This concluded that the public house currently supports small numbers of roosting Common Pipistrelle bats, which emerged from under the wooden fascia on the north eastern elevation. Due to the number of old droppings found within the roof space a maternity roost may have been previously present (and therefore could be again in future years). No bats were recorded roosting in the separate private dwelling.

5.74 All of the trees were assessed from the ground and six trees were identified as having potential to support roosting bats, these will all be retained as part of the proposals. In combination all of the trees provide suitable foraging habitat for bats and provide connectivity into the wider area.

5.75 The vegetation on site, and the buildings, provide suitable nesting habitat for birds. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. The proposed development requires the total demolition of the building, and works to trees and shrubs. Accordingly it is not considered that there is an alternative that would have less harm.

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

- 1) the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- 2) there must be no satisfactory alternative; and
- 3) favourable conservation status of the species must be maintained.

5.77 Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm a EPS.

5.78 With regards to the Carlton Tavern, in relation to tests 1 and 2, the submitted information from Adult Social Care has demonstrated that there are overriding public interests. Furthermore it is considered that the applicant has demonstrated that there is no satisfactory alternative to the demolition of the building. In relation to test 3, the building currently supports a small number of roosting Common Pipistrelle bats which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence and the exclusion of bats from the building prior to works will prevent any from harm and the mitigation proposed (five Schwegler bat boxes to be erected on adjacent trees) will maintain roosting opportunities on site. As such the Council's Ecologist is satisfied that the development will not significantly affect the local distribution or abundance of the species and therefore than the third test for maintenance of favourable conservation status is met.

5.79 The Council's Ecologist has taken account of the survey results together with the mitigation, and has not objected to the application subject to the imposition of conditions in relation to mitigation, and the requirements for a Natural England Licence. She further recommends a condition requiring the erection of bat boxes to be erected on adjacent trees in advance of development commencing. One bat box should be suitable for a maternity roost.

ACCESS

5.80 Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- 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.

5.81 The access is retained in the same position as the existing driveway that serves the public house. 19 parking spaces together with 3 disabled spaces will be provided. The levels on the site are such that it has proved more challenging to provide suitable pedestrian access to the building from Acomb Road. This will be provided from the vehicular access point, with an external platform-lift which will be sited alongside a set of steps. Both of these will connect into a path which will form a route to the entrance. A covered cycle store is provided for staff, visitors and residents to the north western part of the site. Highway Network Management have not objected to the development and state that proposed parking is in accordance with City of York Council's maximum parking standards, and is supported by experience of the operator on other sites. The surrounding highway is protected by various traffic regulation orders, and the applicant has indicated that they are willing to provide funding towards any traffic restriction that may be necessary. Officers would suggest a condition requiring highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) to be carried out.

DRAINAGE

5.82 Paragraph 99 of the NPPF states that new development should be planned to avoid increased vulnerability to the range of impacts arising as a result of climate change. The initial plans and details submitted with the application stated that it was proposed to discharge both foul and surface water into the existing combined sewer on Acomb Road. Surface water would discharge at a restricted rate of 27.01 litres per second. This incorporates a 30% reduction for climate change. The surface water would be restricted using a hydro brake optimum flow control unit. A storage tank would be utilised to the front of the proposed building. Yorkshire Water Services do not object to the proposed development; however they have advised that the submitted information is not acceptable because no evidence of positive drainage has been provided and the discharge rate is based upon areas only assumed to drain to public sewer. Evidence of existing impermeable areas positively

draining to the public sewer is required to prove rate of discharge. Draining surface water to the main sewer should be the last resort. In the light of these comments, the applicant commissioned a utility survey to ascertain of-site connections together with a soil infiltration test. The test results have not however been accepted by the Senior Flood Engineer who advises that the soakaway test does not comply with BRE Digest 365 (2016). It is therefore recommended that ground condition be re-assessed if the use of SuDS is to be discounted. However the Flood Risk Management Team has raised no objection to the proposed development subject to conditions.

NOISE, AIR QUALITY AND CONTAMINATION

5.83 One of the principles of the NPPF requires that planning should provide a good standard of amenity for all existing and future occupants of land and buildings. The submitted noise assessment found that noise levels to the front of the development site were acceptable, and therefore noise would not be a limiting factor to the development. However suitable glazing and ventilation would be necessary to ensure that internal noise levels in the residential rooms would meet the requirements of BS8233:2014. An appropriate specification is provided within the report. In terms of the impact of noise from the proposed development on the nearby residential properties the primary issue of concern would be noise associated with any plant or equipment provided as part of the scheme. Provided suitable plant is selected then Public Protection would not have any objections recommend conditions to require details of any mechanical extraction etc. It is also recommend that due to the proximity of residential properties, a construction management plan should be required, together with a restriction on deliveries once the home is in use.

5.84 In relation to air quality and emissions, Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

5.85 The application site is situated in a particularly sustainable location. However it is still considered that opportunities for low emission vehicles should be provided. In relation to this application 22 car parking spaces are proposed. It is therefore recommended that the provision of one electric charging point be provided.

5.86 In terms of land contamination, the NPPF states at paragraph 121 that planning decisions should ensure that the site is suitable for the proposed use taking account of ground conditions. The submitted phase 1 assessment for the site found that the was a very low risk to the proposed end users due to contamination but still recommended that a Phase 2 ground investigations assessment was carried out. It is the view of Public Protection that such ground investigations are unnecessary give the very low risk, but it is recommended that a condition in respect of unexpected contamination be attached to any approval granted.

OTHER MATERIAL CONSIDERATIONS

5.87 The applicant carried out a consultation event in advance of the submission of the planning application. Members of the public were invited by a leaflet drop of 200 households and businesses in the vicinity of the site. Ward Councillors were also invited to attend. The event was held at The Memorial Hall on Poppleton Road. The report states that 10 people attended. Some criticism has been received that the venue chosen was not close enough, and also that insufficient publicity was carried out. Nevertheless, the applicant has taken account of objections made in relation to the application itself, and also concerns raised by Officers, and has submitted a significant amount of additional information, together with revised plans to try and address concerns raised.

6.0 CONCLUSION

6.1 Paragraph 14 of the NPPF makes it clear that, at the heart of the planning system is a presumption in favour of sustainable development. For decision taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless;

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

6.2 As this application concerns a non-designated Heritage Asset, the policies in NPPF paragraphs 135 and 136 apply. Paragraph 135 requires the LPA to take into account the effect of an application on the significance of a non-designated heritage asset, when applying the “tilted balance” in favour of sustainable development. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.3 For the purposes of paragraph 135, the scale of loss is significant, in that the building is proposed for total demolition. However, the significance of the heritage asset is more limited, as it is a non-designated heritage asset.

6.4 Paragraph 136 requires all reasonable steps must be taken by the LPA to ensure that the new development will proceed after the loss has occurred. For the purposes of paragraph 136, there is considered to be sufficient evidence presented with the application to show that the development will proceed following demolition. However, Members may wish to include a further condition requiring contracts to be let for the redevelopment prior to demolition of the building, in order to provide a further safeguard.

6.5 Paragraph 6 of the NPPF explains that there are three dimensions to sustainable development - economic, social and environmental.

6.6 In terms of the economic dimension, this proposal will result in the loss of the jobs associated with the existing public house. However, these will be more than

compensated for by those created through this development (i.e. the 30 FTE employed in the Care Home itself, in its supply chain, and in construction of the facility). Whilst the development will result in the loss of the Business Rates generated from the Public House, this loss will be offset by the Council Tax receipts it will generate. Therefore, this application is considered to be sustainable in terms of the economic dimension of sustainable development.

6.7 In the case of the social dimension, the balance of factors is in favour of the scheme. Whilst the demolition of the Public House will result in the loss of a local community facility and the function rooms and outdoor play area that it currently provides, the Carlton Tavern is not the only Public House serving this community (there are, in fact over 10 others within a mile of this site) and the development will include a publically-available meeting room, hairdressers, at the third level is a cinema, gym and therapy room that will be open to over 55's who live in the area. The provision of Class C2 facilities including traditional residential care facilities will help to meet a pressing need within York for this type of accommodation. Therefore, this application will make a considerable contribution to the meeting an element of the housing needs of the City that is currently underprovided for. The revised plans have reduced the impact of the development on the existing amenities of neighbouring occupiers to a level that is considered to be on balance. It is recommended however that a condition be imposed that restricts use of the building to Use Class C2:

The premises shall be used only as a Care Home, for elderly persons over the age of 55, within Use Class C2 and shall not be used for any other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

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

6.8 With regard to the environmental role, again the position is balanced. In terms of its location this development could not be more sustainable - it is well-served by existing public transport; it is within easy walking distance of existing shops, doctors and other community facilities; it is in a low flood-risk area. The design of the building, itself, is also very sustainable - the development will be very energy-efficient (equivalent to Level 4 of the Code for Sustainable Homes); it is proposed to be built using sustainably-sourced timber from managed forests, with sedum on the roof, and photovoltaic panels. In addition, the use would generate less movements than those of the current building. However, this has to be weighed against the fact that this application would involve the demolition of a building which, although not listed, is undoubtedly of architectural and historic interest in a local context and which makes a valued contribution to the character of the locality. Moreover, the development has raised some concerns over the longevity of the trees along the site's frontage, trees whose importance to the streetscene are recognised by virtue of the fact that they are protected by a TPO.

6.9 The loss of the community facilities provided by the Carlton Tavern are considered to be considerably outweighed by the benefits to the community of York, as a whole, which would derive from the provision of a form of accommodation for which there is a pressing need in the City and for which there are few suitable alternative sites in the authority's area.

6.10 In conclusion, therefore, the overall judgement is balanced. The presumption in favour of sustainable development at paragraph 14 applies, and the adverse impacts of granting planning permission are not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is considered that the loss of this non –designated heritage asset, even one of the undoubted local importance of the Carlton Tavern, the loss of a listed Asset of Community Value and the possible harm to part of the root zone of the nearest tree to create the lift platform are not sufficient to significantly and demonstrably outweigh the significant benefits which the Care home would provide.

7.0 RECOMMENDATION: Approve

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

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

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

Site Location Plan PLO1

Existing Site Layout PL02

Existing Site Sections PLO3

Proposed Site Layout PLO4 REV F

Proposed Ground and first Floor PLO5 REV E

Proposed Second and First Floor PLO6 REV E

Proposed Roof Plan PLO7 REV D

Proposed Site Sections PLO8 REV D

Proposed Elevations PLO9 REV E

Proposed Boundary Treatment PL10 REV C

Proposed Streetscape along Acomb Road PL11 REV A

Proposed site Sections in relation to existing Buildings PL12 REV E

Proposed Site Layout in context of Neighbouring Windows PL 13 REV A

Proposed Access Arrangements PL14

Proposed Site Layout in context of Shelley House PL15 REV C

Proposed Site Section cut and fill PL 16

Artists Impressions Sheet 1 A101 REV A

Artists Impressions Sheet 2 A102 REV A
Artists Impressions Sheet 1 Trees Ghosted A103
Artists Impressions Sheet 2 Trees Ghosted A104
Artists Impressions of Principal Elevation A105
Proposed Principal Elevation Study PPES1
Internal Perspectives IPO1
Shelley House Perspectives - Existing SHO1
Shelley House Perspectives Proposed SHO2 REV B
Shelley House Perspectives Combined SHO3
Aerial Axonometric AA01
Eastern Elevation Artist Impression EE01
Landscape Master plan REV D
Western Boundary Landscape Proposal
Design and Access Statement REV B
Addendum A to the Design and Access Statement.
Archaeological Evaluation - Written Scheme of Investigation
Arboriculture Impact Assessment
Heritage Statement
Bat Survey Report RO2
Solar Study Report Rev C

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

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

Verge and eaves details

rainwater goods

window details including depth of reveal, materials and method of opening, reveals, and a profile of any glazing bars.

Reason: So that the Local Planning Authority may be satisfied with these details.

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

Note: Because of limited storage space at our offices it would be appreciated if

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sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

5 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of archaeological interest and the development may affect important archaeological deposits which must be recorded during the construction programme.

6 There shall be no demolition, construction or other invasive works on site until an Arboricultural Management Plan has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plan.

Reason: In the interests of the protection of existing trees on site that are subject to a Tree Preservation Order.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the windows identified on dwg. PLO9 REV E to be obscure glazed, shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

8 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in Section H.2 Avoidance and Mitigation Strategy of the Bat Survey report by E3 Ecology Ltd dated August 2017, including in advance of works five Schwegler bat boxes to be erected on adjacent trees under guidance from a Suitably Qualified Ecologist. One bat box should be suitable for a maternity roost.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

9 Works to the roof of to the Carlton Tavern Public House, including removal of
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fascia boards, roof stripping and/or maintenance work including internal work that would impact the roof void shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To prevent harm to a European Protected Species.

10 Unless details have first been submitted to, and approved in writing by the Local Planning Authority, the site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

11 No work (demolition, alteration, removal of fabric) shall take place until the applicant has secured the implementation of an agreed programme of archaeological work written description and photographic recording of the standing building to Historic England Level of Recording 2 which has been agreed in writing by the LPA and the applicant has submitted a report and copies of the survey and record to the LPA and these have been agreed in writing by the LPA.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to alteration/removal of fabric.

12 Prior to the first use of the building, or such longer period as may be agreed in writing by the LPA, a management plan for the community use and access of a meeting room within the building, together with the use of the cinema, cinema, gym and therapy room for use by over 55's who live in the Ward. Thereafter the operation of the building shall be carried in accordance with the approved plan, unless an amendment has first been agreed in writing by the local planning authority.

Reason: In the interests of securing community benefits.

13 The premises shall be used only as a Care Home for elderly persons over the age of 55, within Use Class C2 and shall not be used for any other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

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

14 Prior to the demolition of the existing buildings on site, a strategy for the

identification of those parts of the buildings to salvage and re-use within the proposed building shall be submitted to, and approved in writing by the LPA. Thereafter the development shall be carried out in accordance with the approved strategy.

Reason: In the interests of retaining elements of significance of the existing buildings on site.

15 Notwithstanding the submitted details, the construction of the building hereby approved shall not commence until a detailed landscaping scheme (which shall illustrate the number, species, height and position of trees and shrubs) and boundary treatments (including full boundary treatment details) has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be implemented in full prior to the occupation of the building unless a longer period has first been agreed in writing by the LPA. 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. The submitted details shall include planting along the boundary of the site with both Baildon Close and Shelley House, and include details of planting, spacing and height to be maintained.

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

16 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved 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 paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

17 The development hereby permitted shall not be brought into use until highway works (which by definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which

shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Reason: In the interests of highway safety

18 All demolition and construction 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

19 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_{max}(f)) and average sound levels (LA_{eq}), 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 46dB(A) L₉₀ 1 hour during the hours of 07:00 to 23:00 or 38dB(A) L₉₀ 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or Intermittent characteristics.

Reason: To safeguard the amenity of occupants of neighbouring premises

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

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall

provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of future residents and nearby residents.

21 One (1) electric vehicle recharge point, serving one dedicated car parking bay, should be installed prior to first occupation of the site. The bay should be marked out for the exclusive use of electric vehicles. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority. Prior to first occupation of the site an Electric Vehicle Recharging Point Plan shall be submitted to and approved in writing by the local planning authority that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

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

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

NOTE: 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 to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut 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.

23 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust 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.

NOTE: 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. Ideally 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. Such measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that 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. Ideally 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). Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a 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 (i.e. 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. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk.

Reason: To protect the amenity of neighbouring occupiers and the area.

24 Upon completion of the development, delivery vehicles to the development shall be confined to the following hours:

- Monday to Saturday 07:00 to 18:00
- Sundays and Bank Holidays 09:00 to 17:00

Reason: To protect the amenity of local residents and businesses.

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

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

26 No removal of any existing landscaping on the boundary of the site with Baildon Close shall take place until the applicant has submitted a timescale for its removal and replacement in accordance with the details submitted to discharge condition 15. Thereafter the work shall be carried out in accordance with the agreed timescale.

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

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

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

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

Surface water design considerations.

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

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

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

If SuDs methods can be proven to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 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.

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

becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

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

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

Foul water design considerations

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought detailed information relating to and including:

- Justification for demolition
- Loss of a Asset of Community Value
- Heritage statement
- Archaeological evaluation

- Drainage strategy
- Landscape details
- Detailed revisions to the design of the building
- Revisions to mitigate impact on amenity of neighbouring occupiers.

2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present

3. i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

ii) The applicant is advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Contact details:

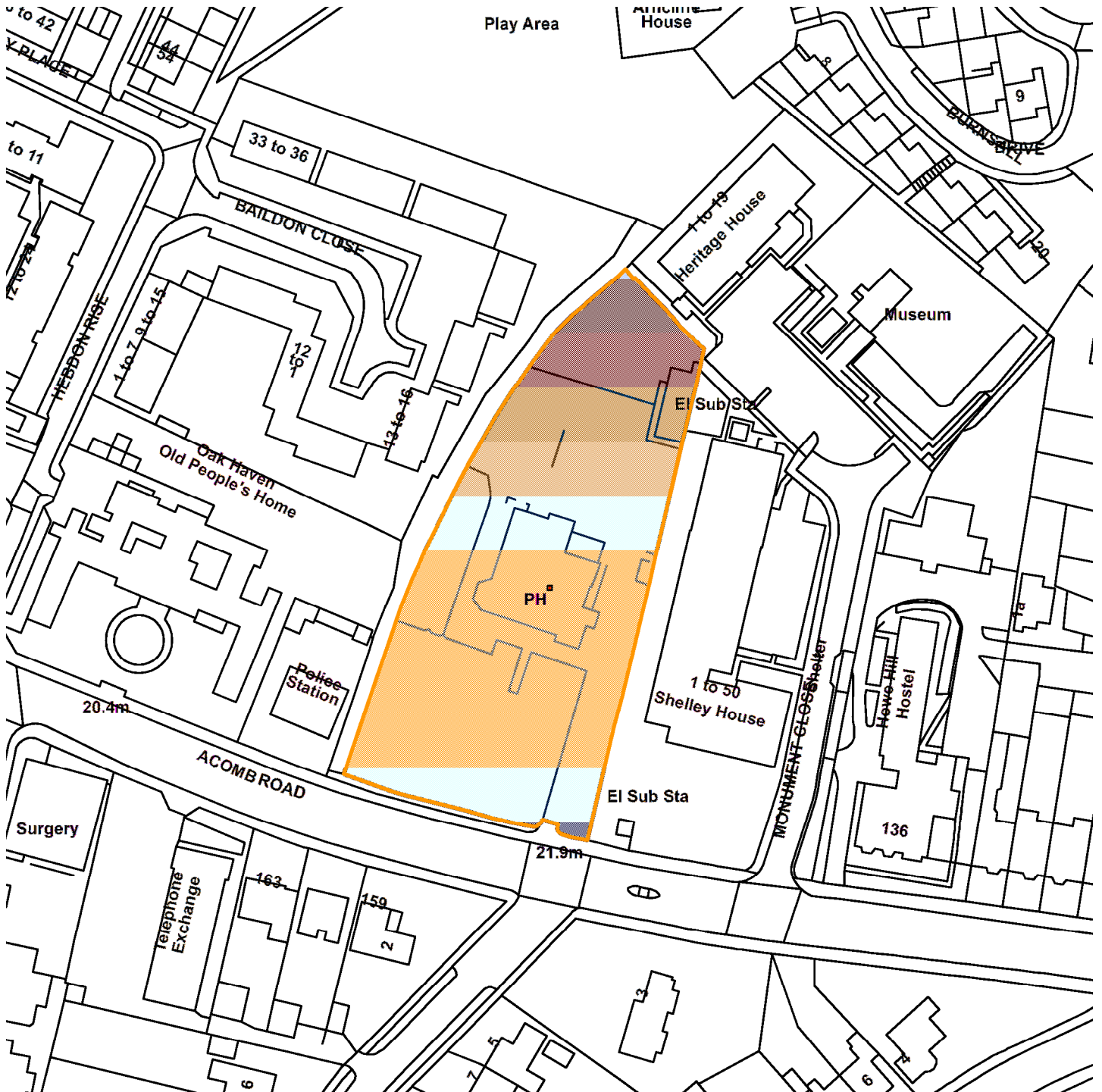
Author: Rachel Smith Development Management Officer

Tel No: 01904 553343

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17/00476/FULM

The Carlton Tavern 140 Acomb Road



Scale : 1:1192

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 December 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 13th December 2017 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 17/02019/OUTM

Application at: Hungate Development Site Hungate York

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

By: Hungate (York) Regeneration Limited

Application Type: Major Full Application (13 weeks)

Target Date: 30 November 2017

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL**PLANNING HISTORY**

1.1 A hybrid planning application (part outline and part detailed) for the redevelopment of the remaining phases of the Hungate site (Blocks D, F, G and H) was approved in April 2017, following a resolution to grant planning permission by members of the Planning Committee in December 2015 (15/01709/OUTM). Blocks D and F were granted full planning permission, whilst Blocks G and H benefit from outline planning permission. The application was accompanied by an Environmental Statement (ES)

1.2 A Section 73 application to vary a number of plans listed under Condition 3 of hybrid planning permission 15/01709/OUTM was approved in October 2017. The revisions related solely to Block F and included amendments to the layout of the multi storey car park enabling the provision of an additional 22 car parking spaces, revisions to the window design at either end of the north elevation to facilitate larger glazed openings onto the balconies, removal of the brick structure separating the private terraces on the fifth floor facing the River Foss, and addition of a replacement "feature" canopy", and

Application Reference Number: 17/02019/OUTM Item No: 4c

the replacement of protruding balconies with Juliet balconies to the ground and first floors of the east elevation.

1.3 Work has now commenced on Block F under the recent Section 73 permission (17/01847/OUTM).

PROPOSAL

1.4 This Section 73 application has been submitted in order to vary Condition 3 (plans), Condition 5 (maximum height) and Condition 6 (parameter plans) and to remove Condition 40 (air quality monitoring) of hybrid planning permission 17/01847/OUTM. With the exception of the proposal to remove Condition 40, the application relates solely to Block G, which will comprise the fourth phase of the Hungate development to follow the completion of Block F, and has no implications for the other blocks approved as part of 17/01847/OUTM.

1.5 The outline permission for Block G established a series of parameters within which the detailed proposal for the block would be developed. This Section 73 application, in seeking to make amendments to the outline permission, is accompanied by updated parameter plans. Whilst detailed plans have been submitted, these are for illustrative purposes only to assist Officers' understanding of the implications for revising the parameter plans. Detailed plans relating to access, appearance, landscaping, layout and scale for Block G would be submitted via a reserved matters application pursuant to the determination of this Section 73 application.

1.6 It is proposed to develop Block G as a residential apartment block of 196 units with ancillary residential amenity floorspace (comprising a residents lounge/concierge facility, residents gym, landscaped courtyard and rooftop terrace) of 1,103 sqm and 479sqm commercial floorspace (to comprise flexible retail/leisure uses along active frontages at Stonebow and Hungate) alongside a landscaped courtyard, pedestrian, cycle and vehicular (service) access and associated infrastructure.

1.7 This application involves no changes to the total number of dwellings or the amount of commercial floorspace approved in the outline consent but seeks permission for a number of revisions to the established parameters, namely a revision to the height of the block together with other non material changes. These revisions are summarised as follows;

- an increase in the height of Block G, to include an eight storey element on the corner of Hungate and Carmelite Street (comprising a revised maximum height of 35.7m AOD) and a six storey building with a seven

storey set-back along Carmelite Street, turning the corner onto Garden Place and part of Hungate,

- an increase in the height of the central section of the elevation of Block G fronting Stonebow from 5 storeys (maximum height of 27.1m AOD) to 6 storeys (maximum height 30.4m AOD),
- minor revisions to the footprint of the building and associated changes to the landscaping and public realm,
- provision of vehicular service access to Block G from Garden Place,
- revisions to the maximum foundation levels and allowance (from 8.95m AOD to 10.14m AOD) for location of a below ground attenuation tank and lift pits,
- revisions to the finished floor levels to reflect the latest guidance from the Environment Agency,
- minor amendments to the site wide surface water drainage strategy.

1.8 Consent is also sought to remove Condition 40 of the outline permission, which requires that site specific nitrogen dioxide diffusion monitoring be undertaken for a minimum period of six months prior to the submission of reserved matters in respect of Blocks G and H. This monitoring study has been undertaken with the resulting 2016 Air Quality Monitoring Report (May 2017) forming a part of the application submission.

THE SITE

1.9 The site lies just outside the Central Historic Core Conservation Area with the Conservation Area boundary following the north eastern side of the Stonebow and the northern bank of the Foss, directly adjacent to the recently built Block E (Phase 2). Rowntree Wharf, a Grade II listed building is sited opposite the development on the south bank of the river and Lady Hewley's Almshouses (Grade II listed) are located on the opposite side of Stonebow.

ENVIRONMENTAL IMPACT ASSESSMENT

1.10 In accordance with EIA regulations and procedure, the Environmental Statement (July 2015) submitted with the hybrid application has been reviewed and assessments undertaken to identify whether the proposed changes to the scheme parameters would result in any new or amended environmental effects. This has resulted in reconsideration of the technical chapters relating to transport, townscape and visual impact, flood risk and drainage, archaeology, cultural heritage and micro climate. The assessments have also been updated to reflect the latest committed development schemes within the vicinity of the site and the results of the revised assessments are documented within the Supplementary ES, which has been submitted as part of this application.

1.11 In summary, the ES Addendum (August 2017) identifies that the proposed scheme changes, including that of the maximum height of Block G, would result in no change to the residual effects and/or overall conclusions reached in the original ES (July 2015).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

2.2 Policies: Please see section 4 for the relevant national and local planning policy context.

3.0 CONSULTATIONS

INTERNAL

ENVIRONMENTAL MANAGEMENT (DESIGN)

3.1 The comments of the Council's Architect are reported and considered in paragraphs 4.19 to 4.31 of the report.

HIGHWAY NETWORK MANAGEMENT

3.2 No objections. Please re-apply conditions as per previous consent.

CHILDRENS SERVICES, EDUCATION AND SKILLS

3.3 A S106 Education Contribution is still required for this variation to the development, details below.

Primary School: Fishergate
Project: Internal Adaptations to Infrastructure
Pooling count: 2nd contribution

Secondary - School: Fulford
Project: Internal Adaptations to Infrastructure
Pooling count: 2nd contribution

PUBLIC REALM

3.4 A Section 106 contribution is still required for this variation to the development, details below.

- the expansion of teaching and workshop facilities at St. Nicholas Fields.
- children's themed educational planting and interactive at Museum Gardens;
- woodland and beck side adventure and educational play at St Nicholas Fields; and
- children / teenager skills and challenge course at Foss Islands Path;
- changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and
- club house and ancillary facility improvements at Heworth Rugby Club

PUBLIC PROTECTION (AIR QUALITY)

3.5 The comments by Public Protection made to Watermans on their draft report have been incorporated into the 'Air Quality Monitoring' report submitted with the application and the methodology and approach to the study has been agreed. The study demonstrated that annual mean concentrations of nitrogen dioxide were below health based objective levels at all monitoring locations surrounding blocks G and H. On this basis, Public Protection agree with the conclusions of the report and do not consider that mechanical ventilation or non-opening windows are required to make the development acceptable in air quality terms. Based on the monitoring study undertaken, it is also considered that the site is suitable for balconies and outdoor areas.

FOOD RISK MANAGEMENT

Content with the changes to the scheme which include:-

- Finished floor level - Residential at 11.015m AOD, and Finished floor level - Commercial at 10.620m AOD
- Increase in surface water restricted discharge to the River Foss now to include existing highway drainage from Dundas Street and Palmer Lane - from 131.4 litres /second to 148.6 litres /second.

EXTERNAL

YORKSHIRE WATER

3.6 No objection to the variation of conditions.

NATURAL ENGLAND

3.7 No comment to make on the variation of conditions.

NORTH YORKSHIRE POLICE

3.8 No comments to make in relation to designing out crime.

CONSERVATION AREAS ADVISORY PANEL

3.9 The Panel object to this increase in height to eight storeys. It was also noted that no justification has been provided and no consideration had been given to the key views.

YORK CIVIC TRUST

3.10 The Trust objects to the proposed scheme on three grounds:

(i) Raised maximum height

3.11 The proposed additional 8th floor on the eastern corner of Block G is unjustified and excessive. As there is no Design or Access Statement included with this application, no justification is made for the addition of this floor.

3.12 The proposed maximum height of Block G would exceed the permitted maximum height, as approved and set out by Condition 5 of the outline planning permission, which for Block G is 32.7 AOD. The revised height for Block G in this proposal would be 35.7 AOD (+/- 1m), and thus 3m higher. As a point of reference, the current height of Stonebow House (aside from the plant works) is 37.44 AOD - of which many York citizens consider is too high.

(ii) Lack of Visualisations

3.13 Considering one of the most contentious aspects of the original Hungate scheme was its impact on the city's vistas and skyline, the Trust considers any increase in the maximum height of Block G to be unacceptable. The lack of any visualisations for this proposal provides no context to adequately assess its impact on the cityscape, including historic vistas.

(iii) Increased massing (of Block G), and possible impact on amenities

3.14 Further to the raised height of the eastern corner of Block G, almost the entire block is to be raised by a storey (including an increase on the Stonebow aspect from 5-6 storeys to being entirely 6 storeys tall). This will have an impact on the massing of Block G, which could now be considered excessive.

3.15 This increase in massing is likely to also impact on Condition 8 of the outline planning permission for Blocks D-H which requires that within Blocks G and H combined there shall be no more than 375 residential units in total'. Without a Design and Access Statement or floor plans for Block G and H it is impossible to analyse this impact.

THIRD PARTY REPRESENTATIONS

3.16 The application was publicised by site notice, press notice and letters of neighbour notification. Five letters of objection have been received raising the following points;

- object to increased height of Block G which is overdevelopment on this site
- cramming more into an already very dense development is wrong.
- the likely increase in number of residential units due to the extra bulk, leading to too great a density. This is exacerbated by the greatly reduced space allocated to non residential uses since the original approved scheme.
- the height increase will have a significant impact on local residents as access to daylight will be impacted and a further restriction of views will result.
- negative impact on views across the city, effecting sightlines to and from Rowntree Wharf, the minster and from the city walls
- as leaseholders of a north-facing flat on the 5th floor of Rowntree Wharf, the proposed height increase of Block G will adversely affect our view of the Minster
- It would increase shading and dominance on Peasholme Green and make the street darker and more enclosed leading to increased air pollution at street level
- impact of the increase in the mass on Stonebow
- object to the removal of the use of permeable pavements and walkways which play a role in reducing water run off and have no negative effects at all in their use.
- concerned that air quality monitoring should be suspended at the site

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:-

- Height and Massing
- Residential Amenity
- Highway Issues

- Air Quality
- Financial Contributions

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies relate to York's Green Belt.

Section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990

4.3. Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA 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.

National Planning Policy Framework (NPPF, March 2012)

4.4 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 65 says Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing

townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

City of York Draft Local Plan (2005)

4.6 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

4.7 The site falls within the Hungate Development Site as shown on the Local Plan Proposals Map (2005). It is identified as a mixed use allocation for both office development (B1a) and residential development. The relevant policies are considered to be:-

- CYED4 -Developer contributions towards Educational facilities
- CYL1C - Provision of New Open Space in Development
- CYHE2 - Development in historic locations
- CYGP1 - Design
- CYGP9 - Landscaping
- CYGP4B - Air Quality

4.8 Policies considered to be compatible with the aims of the NPPF and most relevant to the development are HE2 (Development in Historic Locations), GP1 (Design) and GP9 (Landscaping). A development brief for the site was prepared in 2005 and details the main planning and design principles that the development of the site should be based upon.

Emerging Local Plan

4.9 Consultation on a new pre-publication draft local plan and revised evidence base ended on October 30th 2017. The emerging local plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process which policies will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.10 Policy SS17 of the emerging Local Plan identifies the Hungate site as a Strategic Housing Site (Allocation Reference ST32). The draft allocation reflects permission 15/01709/OUTM. Policy SS17 requires that "design should respect local amenity and character whilst being imaginative and

energy efficient. The special character and/or appearance of the adjacent Central Historic Core Conservation Area should be conserved and enhanced".

HEIGHT AND MASSING

4.11 The NPPF advises that good design is a key aspect of sustainable development and is indivisible from good planning. Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

4.12 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting, the LPA 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.

4.13 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset, the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 of the Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The current application must be judged on this basis.

4.14 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132).

4.15 The site lies just outside the Central Historic Core Conservation Area. The boundary extends along the south-western elevation of the Telephone Exchange and runs along the north western side of the Stonebow (the opposite side of the road to the application site). Rowntree Wharf, a Grade II listed building is sited opposite the development on the south bank of the river

and Lady Hewley's Almshouses (Grade II listed) are located on the opposite side of Stonebow.

4.16 The proposed revisions to Block G as summarised at paragraph 1.7 are considered to be in substantial accordance with the parameters established by the outline element of the planning permission, including the overall development quantum, layout, foundation levels, public realm, landscaping and drainage. This is with the exception of height, which is varied from that shown on the approved parameter plan.

4.17 The proposal involves an increase in the height of block G with an eight storey element located on the corner of Hungate and Carmelite Street (comprising a revised maximum height of 35.7m AOD) and a seven storey element along Carmelite Street, turning the corner onto Garden Place and part of Hungate. This compares with a part six / part seven storey building (maximum height of 32.7m AOD) fronting part of Hungate, Carmelite Street and part of Garden Place which was consented as part of the 2015 hybrid scheme.

4.18 It is also proposed to increase the central section of the element fronting Stonebow from 5 storeys (maximum height of 27.1m AOD) to 6 storeys (maximum height 30.4m AOD) to provide a uniform building height for the Stonebow elevation.

4.19 In acknowledging that the cumulative impact of several changes over time is greater than the impact of one small change at any one time, Officers, in assessing the scheme, have taken into account the cumulative impact of the proposal. Although planning policy has changed since the initial outline permission, general principles of good daylighting design remain unchanged.

Carmelite Street

4.20 The submitted scheme for the 2015 hybrid application had detailed the Carmelite Street elevation of Block G to be 7 storeys in height, which Officers deemed at the time, could result in Carmelite Street, as a result of the proportion of street width to height and an unfavourable orientation, being one of the least successful streets in the scheme. The applicant addressed these concerns and submitted an amended plan indicating that a maximum of 50% of this elevation would be 7 storeys.

4.21 This application, in seeking to raise the height to 7 and 8 storeys, has clearly raised concerns similar to those expressed by Officers at the time of the 2015 hybrid application. These concerns do not relate to the impact on heritage assets as the location of this part of Block G towards the centre of the development would ensure that there would be no harm to the character

and appearance of the conservation area or to the setting of those listed buildings located on the opposite side of Stonebow and across the river at Rowntree Wharf, even with the increased height. Instead, Officers concerns relate to the quality of the street and the internal courtyard environment.

4.22 In response to these concerns, the applicant has agreed to set back the building line of the 7th storey element to the Carmelite Street and Garden Place elevations by 1500mm and to set back the 7th storey element of the courtyard elevations by 1400mm and 1500mm.

4.23 The Carmelite Street elevation of Block G lies opposite the St. John's Central student building. The consented scheme and the student block can be interpreted to imply the acceptability of a comparator on the other side of the street as the building separation is already established and streets generally should have similar sized buildings facing each other. The buildings are similar heights although it is noted that the proposed 150mm top floor set back for Block G is not as great as the set back on the top floor of the student block.

4.24 Although indirect reflected daylight onto Carmelite street would be poorer than the consented scheme, the proposed 1500mm set back for the top floor would not reduce direct daylight into Carmelite Street any more than the consented scheme. In terms of views, the appearance of the extra height should not be visible except in medium distance views, for example from within St Johns Square.

Hungate

4.25 The additional height proposed towards the entrance into St Johns Square gives some added drama to the pedestrian approach into the larger space of the square and this is considered to partly counter the additional height proposed. Impact in general design terms for the street scene is considered to be low to negative. As detailed at paragraph 4.20, there is considered be no impact from the increase in the height of this corner to 8 storeys on the setting of the conservation area.

Garden Place

4.26 As a secondary side street and vehicular access, the importance of the degree of change in Garden Place is not considered to be as critical as other areas. The impact is only marginally higher than the consented outline when the top floor set back is taken into account.

Stonebow

4.27 The 2015 hybrid permission had involved a general increase in height for the Stonebow elevation (Blocks G and H) from the previously consented scheme from 4 and part 5 storey plus pitched roof blocks to 5 and part 6

storey flat roof blocks (involving a drop in one storey in the middle of the elevation). In considering this element of the scheme, the Committee report at the time noted, *"it is by virtue of the combination of the width of these blocks to Stonebow and their height that Officers consider this element of the scheme to cause some harm to the setting of the conservation area. The affected context is considered to be Stonebow itself rather than longer views to and from designated historic assets, which are not considered to be significantly affected"*. The harm, which was assessed as minor, was balanced with other positive aspects of the proposal.

4.28 In turning the massing principle approved in the 2015 permission into a resolved design, it was apparent that the forced randomised up and down roof treatment would look odd on medium height mansion block scaled buildings such as this. Officers therefore agreed at pre-application stage that the infill of the middle section would represent a minor positive design change.

4.29 In medium distances the impact of this change on the historic environment is most evident in the view from Stonebow House at the edge of the medieval city streets (Whip Ma Whop Ma Gate). The change in impact from the consented scheme is at worst considered to be low to negative to neutral given that oblique elevation views partially mask the dropped section of the consented version from this vantage. However, given that the change is likely to produce a more attractive building design, it could be argued that the impact is low to positive. In views from immediately across the street, the impact is considered to be low to medium negative in absolute terms, this impact being mediated by an unusually wide street.

4.30 The harm to the setting of the Conservation Area, which is a heritage asset, is assessed as minor, although the legal test requires considerable importance and weight to be given to the desirability of avoiding such harm. The NPPF also requires great weight to be given to such harm in the planning balance, despite it being minor.

4.31 The principle of dramatic massing on Stonebow had been accepted in the 2004 masterplan and subsequent consents, and Officers are mindful of this in balancing the negative impact of the massing of the blocks along the Stonebow with other positive aspects of the proposal including the provision of much needed dwellings in the City.

4.32 Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS

4.33 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Local Plan

policy GP1 (Design) requires that development proposals ensure that residents living nearby are not duly affected by noise, disturbance, overlooking, overshadowing, or from over-dominant structures.

4.34 Concerns have been raised by a resident in Rowntree Wharf and Phase 1 of the Hungate development that the proposed height increases of block G would restrict their views across the city and impact on daylight levels. Notwithstanding the fact that the loss of a private view is not a planning consideration, it is considered that the proposed changes would not have a material impact on residential amenity in the context of the planning permission when viewed as a whole.

RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED DWELLINGS

4.35 Considering the context, there are no objections on amenity grounds. Officers have raised some concerns relating to the quality of the internal courtyard in terms of daylight levels as a result of its size in relation to the height of the buildings enclosing it. These concerns have been addressed to some extent by the revised proposal which details the 1.4m set back of the 7th storey element. The applicants intend for Block G to offer its occupants a different lifestyle experience with the provision of a gym, residents lounge /concierge facility, communal roof terrace/garden and shared spaces. These features would be considered to offset the slightly poorer courtyard environment.

HIGHWAY ISSUES

4.36 It is proposed to revise the parameter plan relating to access and parking through the introduction of a vehicular service access to Block G from Garden Place. This is for the purposes of loading / removals. No objections are raised to this amendment.

OFF SITE FINANCIAL CONTRIBUTIONS

4.37 The hybrid planning decision (part outline and part detailed) for the redevelopment of the remaining phases of the Hungate site (Blocks D, F, G and H) was accompanied by a Section 106 Agreement which secured the following;

- (a) Affordable Housing
- (b) Open Space
- (c) Highway Works and Sustainable Transport measures
- (d) Community Facilities

4.38 In the context of the CIL Regulations whereby a Local Authority cannot regard a planning obligation as a material consideration in the determination of the planning application if more than 5 have been "entered into" for the same project or type of infrastructure since 6th April 2010, Officers have re-examined whether the projects identified within the Deed of Variation accompanying the Section 73 application relating to Block F (approved in October 2017), can be identified again. Officers from Education and Public Realm have confirmed that financial contributions are still required as a result of the development and that the project/type of infrastructure previously identified can be identified again having not been entered into more than five times previously.

4.39 A recommendation of approval for this S73 application would be subject to the completion of a deed of variation which makes reference to this application to secure the existing obligations.

AIR QUALITY (REMOVAL OF CONDITION 40)

4.40 Consent is sought to remove Condition 40 of the outline permission, which requires that site specific nitrogen dioxide diffusion monitoring be undertaken for a minimum period of six months prior to the submission of reserved matters in respect of Blocks G and H. This monitoring is to be used to inform the need, if any, for residential premises facing The Stonebow/Peasholme Green within Blocks G and H to be fitted with fixed windows that cannot be opened and associated mechanical ventilation required for any habitable rooms facing onto The Stonebow / Peasholme Green.

4.41 A six month air quality nitrogen dioxide monitoring study was undertaken from January 2016 to July 2016 to establish current air quality conditions at and surrounding the site. As required by the condition, the methodology and approach to the study, including location of the monitoring equipment, was agreed in consultation with Public Protection.

4.42 The study demonstrated that annual mean concentrations of nitrogen dioxide were below health based objective levels at all monitoring locations surrounding blocks G and H. On this basis, Public Protection agree with the conclusions of the 2016 Air Quality Monitoring Report (May 2017) and do not consider that mechanical ventilation or non-opening windows are required to make the development acceptable in air quality terms. Based on the monitoring study undertaken, it is also considered that the site is suitable for balconies and outdoor areas. Officers therefore consider that the 2016 Air Quality Monitoring Report (May 2017) submitted as part of this application provides the necessary evidence to justify the removal Condition 40 on the basis that the condition is no longer necessary.

5.0 CONCLUSION

5.1 This Section 73 application has been submitted in order to vary Condition 3 (plans), Condition 5 (maximum height) and Condition 6 (parameter plans) and to the removal of Condition 40 (air quality monitoring) of hybrid planning permission 17/01847/OUTM.

5.2 This application involves no changes to the total number of dwellings or the amount of commercial floorspace approved in the outline consent but seeks permission for a number of revisions to the established parameters, with the key revision being an increase in the height of block G.

5.3 It is not considered that the changes to the proposed plans will impact on either the sustainable aims of the development proposals, nor is it considered that the changes will have an adverse impact on the existing amenities of neighbouring occupiers. The key consideration therefore is the implications of the increase in the height of block G in terms of its scale and massing and any impact on the setting of heritage assets.

5.4 As with the consented scheme, whilst officers consider the massing to the Stonebow elevation to cause some minor harm to the setting of the Conservation Area, the affected context is Stonebow itself rather than longer views to and from designated heritage assets. In medium distances, the impact of this change on the historic environment is most evident in the view from Stonebow House. The change in impact from the consented scheme is at worst considered to be low to negative to neutral however given the consideration that it is likely to produce a more attractive building design, the impact could be argued to be low to positive. Whilst the harm is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance. The outcome of the assessment is that the benefits to the scheme including the provision of much needed dwellings in the City, outweigh the less than substantial harm identified.

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement to secure the obligations as from the existing outline permission.

1 The detailed scheme as defined by Dwg No: 00344_MP-014 Rev P02 (Hybrid Planning Application Boundary) shall be begun not later than the expiration of three years from 25.4.2017.

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

2 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the following dates:

Block G: within 3 years of 25.4.2017

Block H: within 4 years of 25.4.2017

Development of Block G shall commence within 2 years of the approval of the reserved matters relating to Block G.

Development of Block H shall commence within 2 years of the approval of the reserved matters relating to Block H.

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 and other submitted details:-

Site Location (Red Line) Plan 00344_MP-013 Rev P02
Hybrid Planning Application Boundary 00344_MP-014 Rev P02

Block D

Basement Floor Plan 00344_BD_-01 Rev P02
Ground Floor Plan 00344_BD_00 Rev P04
First Floor Plan 00344_BD_01 Rev P02
Typical Floor Plan 00344_BD_02 Rev P01
Fifth Floor Plan 00344_BD_05 Rev P01
Sixth Floor Plan 00344_BD_06 Rev P01
Courtyard Elevations 00344_BD_C Rev P01

North East elevation 00344_BD_NE Rev P02
South East elevation 00344_BD_SE Rev P02
South West elevation 00344_BD_SW Rev P02
North West elevation 00344_BD_NW Rev P02

Block F

Indicative Site Sections 16059-P1170-A
Ground Floor Plan 16059-P1010
First Floor Plan 16059 -P1011
Second Floor Plan 16059-P1012
Third Floor Plan 16059-P1013
Fourth Floor Plan 16059-P1014
Fifth Floor Plan 16059-P1015
Sixth Floor Plan 16059-P1016-A
Seventh Floor / Roof Plan 16059-P1017-A
Section AA 16059-P1175-A
Section BB 16059-P1176
Section CC 16059-P1177-A
Section DD 16059-P1178-A
North Elevation 16059-P1150-B
East Elevation 16059-P1151-A
South Elevation 16059-P1152-A
West Elevation 16059-P1153-B
Courtyard Elevations (01) 16059-P1160
Courtyard Elevations (02) 16059-P1161
DV Roof Maintenance 16059_2017-09-25_SK01
DV Roof Maintenance 16059_2017-09-25_SK02
DV Roof Maintenance 16059_2017-09-25_SK03

Access Drawings

Site Access Arrangements Block F 3236/SK001/009 Rev A
3236/SK001/14A Site Access Arrangements Stonebow/Garden Place
Residential Cycle Parking Schedule (received 19.11.15)

Landscape Plans

Landscape Block D Hardworks D0248_001_D
Landscape Block D Softworks D0248_002_D
Block D Sections D0248_004
Landscape Block F Hardworks D0248_005_C
Landscape Block F Softworks D0248_006_C
Landscape Block F Sections D0248_008
Landscape Block D Roof Plan Softworks D0248_009

Landscape St.John's Square Hard & Softworks D0248_010_ D
St.John's Square Sections D0248_012
Landscape Block F Roof Plan Softworks D0248_013_ B

Parameter Plans

Foundation Levels A2766 154 Rev R22
Access and Parking A2766 155 Rev R22
Public Realm A2766 153 Rev R22
Maximum Heights A2766 150 Rev R23
Layout Plan A2766 151 Rev R22
Landscape Principles and Drainage A2766 152 Rev R22

Highways Sections

D0205_008_B Street Section 1 of 6
D0205_009_B Street Section 2 of 6
D0205_010_C Street Section 3 of 6
D0205_011_B Street Section 4 of 6
D0205_012_B Street Section 5 of 6
D0205_013_C Street Section 6 of 6

Illustrative Plans

Illustrative Masterplan - OPTION1 00344_MP-001 Rev P02
Illustrative Landscape Masterplan DO205_001_AD

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

4 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 those parts of the development permitted in outline, and the development shall be carried out in accordance with such details:

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

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

5 Notwithstanding the reference to +/-1m deviation on the Parameter Plan - Maximum Heights (Dwg No: A2766 150 Rev R23), the maximum roof parapet heights of Blocks G and H shall not exceed the references to the top levels as shown on that plan.

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

6 The submission of details and reserved matters applications submitted in respect of the approved outline planning permission shall be in substantial accordance with the following approved parameter plans.

Foundation Levels A2766 154 Rev R22
Access and Parking A2766 155 Rev R22
Public Realm A2766 153 Rev R22
Maximum Heights A2766 150 Rev R23
Layout Plan A2766 151 Rev R22
Landscape Principles and Drainage A2766 152 Rev R22

Any amendment to the parameter plans must be agreed in writing by the Local Planning Authority, and shall not be approved unless it satisfies the following requirements:

- a) It is accompanied by sufficient information as will enable the Local Planning Authority to consider the terms and likely impacts of the proposed changes;
- b) It ensures that the development hereby permitted and as amended remains; and
- c) It strictly adheres to the provision of condition 5 which imposes a limit of overall development heights.

No amendment to the approved parameter plans will be approved unless the Local Planning Authority first determines in writing that there is not likely to be any significant environmental effect arising from the proposed amendments in comparison with the plans already subjected to environmental impact assessment and approved by this permission, or the submission for amendment is accompanied by a supplementary Environmental Impact Assessment assessing the likely environmental effects of the amendments proposed in comparison with the plans already subjected to environmental impact assessment.

Reason: To ensure that the development is carried out in accordance with the parameters assessed in the Environmental Statement, and that any acceptable changes to the scheme do not give rise to unanticipated significant environmental effects.

7 No advance infrastructure and enabling works (including, but not limited to, any works of demolition) shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority.

The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details. For the avoidance of doubt, the approved Advance Infrastructure and Enabling Works may be undertaken prior to the submission or approval of Reserved Matters Applications but are subject to those conditions requiring details to be agreed prior to the approved works being undertaken relating to: a programme of works (condition 21) and submission of a Construction and Environmental Management Plan (condition 53) relevant to the Advance Infrastructure and Enabling Works.

8 There shall be no more than 662 residential units within the site. Within Blocks G and H combined there shall be no more than 375 residential units in total and a minimum of 1,265 sq.m of commercial floorspace to accommodate flexible use within use classes A1, A2, A3, A4, A5 or B1 or D2, shall be provided.

Reason: In the interests of the vitality of the scheme.

9 Prior to the construction of any works above the ground floor slab for each of Blocks D and F, large scale detailed drawings of the items listed below relating to that Block shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

(i) Building sections and part (i.e. single bay) elevations through different key fenestration types. This should include sufficient information to understand the proposal so should include, for example: (windows) look-a-like glazing & window opener types; (cladding panels) types & joint positions; (sheet cladding) seam width & laying direction.

(ii) Component details to include (windows) vertical and horizontal sections through window reveals, heads and sills; (soffits) underside treatments to overhanging roofs or tunnels; (balconies) plan, elevation & section to projecting or inset types.

Note: Brick window reveals should be typically 150mm to 215mm (reveal from window frame to building face) in accordance with established site-wide design principles for Block E and punch-hole windows in cladding will be expected to be similar reveal depths.

(iii) Detailed studies of the primary entranceways into the courtyards of Blocks D and F.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

10 Prior to the construction of the external walls of any Block, details relating to that Block of large scale workmanship sample panels to be erected on site to include;

(i) Brickwork: 2m x 2m sample panel of brickwork (to be used on blocks D and F) to illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and

(ii) Seamed cladding: 3 seams wide sample panels so as to understand the proposed jointing type and method, shall be submitted to the Local Planning Authority for approval. The approved panels for that Block shall be erected on site prior to the construction of the external walls for that Block and shall be retained until a minimum of 2 square metres of wall of that Block has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works so as to achieve a visually cohesive appearance.

11 Prior to the construction of any works above the ground floor slab (the superstructures), details of the RSL kiosks (interactive way finding totems) to include details of height, width, design, specification and location, and a programme for their implementation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

12 Prior to the construction of any works above the ground floor slab (the superstructures) of any Block, notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials for that Block, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please

make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

13 Prior to the construction of any works above the ground floor slab of any Block, details of the lighting to that Block including the roof, shall be submitted to and approved in writing by the Local Planning Authority in advance of the lighting installation for each block and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

14 Prior to the construction of any works above the ground floor slab of any Block, details of the location and type of any fixed equipment proposed for access and maintenance to that Block shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

15 Prior to the construction of any works above the ground floor slab of any Block, details relating to that Block of ancillary protrusions above the roof plane required for servicing such as ducts, chimneys and access hatches except those less than 1.1m high and over 2m from the edge of the building shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

16 Prior to the construction of any works above foundation level (the superstructure) of the multi storey car park the subject of this permission, full details of the proposals relating to the multi storey car park cladding shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and thereafter retained.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

17 Prior to the construction of the external walls of each of Blocks D and F, a Landscaping Scheme shall be submitted to and agreed in writing by the Local Planning Authority and such Scheme shall include and provide for;

(i) A timetable for the carrying out of all the hard and soft landscaping works related to that Block, such works to commence not later than six months after the substantial completion of that Block and in accordance with the landscaping plans for that Block listed in condition 3. This will include details of the requirement for an interim landscaping scheme for St John's Square to be provided in the event that the commencement of construction of Block H is delayed beyond 2 years of the first occupation of either Blocks D or F, whichever is the later.

(ii) Edge of building buffer zone treatment such as private external terraces including soft and hard landscape

(iii) updated soft and hard works details at the corner of Black Horse Lane and Dundas Street.

(iv) The final approved landscaping scheme in relation to St. Johns Square, as detailed on Drawing No's D0248_010_D and D0248_012, shall be implemented within a period of six months of the completion of the final Block and completed within six months of the substantial completion of the development.

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

Reason: The landscape scheme is integral to the amenity of the development. The development is large scale and will take years to build out. The constraints of the site mean that the final approved landscaping scheme cannot be implemented until the final Block has been completed, as part of the area will be required to be used as a site compound during construction. An interim landscaping scheme is required to be in place for those occupants of completed blocks in the interests of visual amenity.

18 Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7, prior to the construction of the external walls of any of the blocks hereby approved, details of tree planting including preparation of tree pits, root cells, means of watering, and support shall be submitted and approved in writing by the Local Planning Authority. Tree planting shall then be carried out in accordance with the approved details.

Reason: To ensure appropriate details are implemented to support the successful establishment and growth of trees that are integral to the quality of the development.

19 Notwithstanding the submitted plans, prior to the first occupation of Block F, an Ecological Scheme of Enhancement shall be submitted to and agreed in writing by the Local Planning Authority which shall comprise of a minimum of four habitat features for bats on site such as crevice bat boxes and/or integral bat bricks, and a minimum of four bird nest boxes, to be installed/constructed prior to first occupation of Block F in accordance with the approved details and thereafter retained.

Reason: To take account of and to enhance the habitat for a protected species.

20 The development hereby approved shall not be occupied until the areas for vehicle parking associated with the block that they serve have been constructed and laid out in accordance with the approved plans, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking vehicles.

The operation and management of the apartment block car parks shall be undertaken in accordance with car park management schemes which shall previously have been submitted to and agreed in writing with the Local Planning Authority for each phase of the development, and shall not be revised without the prior written approval of the LPA.

Reason: In order to ensure the efficient operation of these facilities, in the interests of the safety and convenience of highway users.

21 Prior to the commencement of development of each Block and any advance infrastructure and enabling works approved under condition 7 being undertaken, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works for that Block or the approved advance infrastructure and enabling works as the case may be, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- a scheme for signing the promoted construction traffic routing
- where materials will be stored within the site

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.

22 Prior to the construction of any works above the ground floor slab of any of the blocks hereby approved, details of the secure cycle parking areas, including means of enclosure, position, design, materials and finishes thereof for that Block, shall be approved in writing by the Local Planning Authority. The building or buildings within that block shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that block) have been provided in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles. Cycle parking shall be in accordance with the Residential Cycle Parking Schedule dated 12/11/2015.

Reason: To ensure adequate space for such storage, and to promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

23 Prior to first occupation of each block of development, the design and materials of roads, footpaths and other adoptable spaces, including streetlighting, to which it fronts, is adjacent to or gains access from, shall have been constructed in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of future occupants.

24 Prior to the commencement of the use hereby approved in each block of development, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

25 No gate/door/window shall be fitted so as to open outwards over the adjacent public highway, or in the case of garage doors to protrude forward of the face of the garage.

Reason: In the interests of highway safety and to prevent inconvenience and obstruction to other highway users.

26 Full details of the proposed CCTV facilities within the site and lighting for car parking areas and cycle routes shall be submitted to and approved in writing by the LPA, prior to any part of the development being brought into use.

Reason: In the interests of safety and visual amenity.

27 Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7, prior to the construction of the external walls of any Block of the development hereby permitted, a phased programme of works to deliver the Street Sections dated 07/12/15, shall be submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same. These works shall be implemented in accordance with the aforementioned agreed phasing programme, the Street Section Drawings and in general accordance with the illustrative landscape plan as set out below;

D0205_008_B Street Section 1 of 6

D0205_009_B Street Section 2 of 6

D0205_010_C Street Section 3 of 6

D0205_011_B Street Section 4 of 6

D0205_012_B Street Section 5 of 6

D0205_013_C Street Section 6 of 6

3236/SK001/14A Site Access Arrangements Stonebow/Garden Place

D0205_002_X Illustrative Landscape Plan

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport.

28 A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council, will be required for the works detailed within the hereby approved Street Sections dated 07/12/15, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 1 of said audit must be submitted to and confirmed in writing by the LPA prior to any of the Street Section works commencing on site.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

29 No block of the development hereby approved shall 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 and the submitted Travel Plan dated 22/07/2015. The blocks 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.

Reason: To ensure the development complies with local and national highways and planning guidance, 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.

30 Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7, prior to the construction of the external walls of any block of the development hereby permitted, a phased programme of Bus Stop Improvement works, shall be submitted to and approved in writing by the Local Planning Authority. The Bus Stop Improvement works shall consist of the following works;

- o Upgrading of the existing inbound/outbound bus stops on Peasholme Green consisting of BLISS real time display, Kassel kerbs, shelters, seating and lighting
- o Provision of an inbound bus stop along the frontage of Block G, exact location to be agreed, consisting of BLISS real time display, Kassel kerbs, shelters, seating and lighting

The Bus Stop Improvement works shall then be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport.

31 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq 8 hour (23:00-07:00) and 45 dB LA Max (23:00 - 07:00) in bedrooms and 35 dB LAeq 16 hour (07:00 - 23:00) in all other habitable rooms. These noise levels

are with windows shut and other means of acoustic ventilation provided. A detailed scheme for each block shall be approved in writing by the local planning authority and fully implemented before the occupation of each respective block.

Reason: To protect the amenity of residents.

32 Details of all fixed machinery, plant and equipment to be installed in or located on any of the commercial uses hereby permitted, which is audible at any noise sensitive location, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. 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.

Reason: To protect the amenity of the locality.

33 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

34 Prior to the commencement of the use of any of the commercial units hereby approved, details of the hours of operation shall be submitted to and agreed in writing by the local planning authority. The commercial units shall operate in accordance with the approved opening hours unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of local residents.

35 The hours of delivery to and dispatch from the commercial units, to include Use Classes A1, A2, A3, A4, A5, B1 and D2, shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday 08:00 - 18:00

Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

36 Prior to any use of the commercial units, to include Use Classes A1, A2, A3, A4, A5, B1 and D2, a service delivery plan shall be submitted to and approved in writing by the Local Planning Authority. The service delivery plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise resulting from deliveries to commercial premises. Once approved, the service delivery plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of local residents.

37 Premises put to Class A1, A3, A4 or A5 use that adjoin a residential premises, shall be noise insulated in accordance with a scheme to be approved in writing by the local planning authority. The noise insulation scheme shall be fully implemented prior to occupation. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To protect the amenity of local residents.

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

Reason: To protect the amenity of the locality.

39 Four electric vehicle recharge points shall be provided in relation to block D and eight electric vehicle recharge points shall be provided in relation to block F. Such recharge points should be installed prior to first occupation of the blocks. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority. Prior to the first occupation of Blocks D and F, the applicant will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for each electric vehicle recharging point for a period of 10

years which will ensure the points are fit for the purpose of charging electric vehicles.

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

40 Prior to first occupation or use of Block D, the approved remediation scheme (entitled: Development Phases 2 & 3 Remediation Strategy, ref: EN6250-R-7.1.4-RA, dated: October 2007) must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

41 In the event that previously unidentified contamination is found at any time when carrying out the development of block D, or during any advance infrastructure and enabling works approved under condition 7 being undertaken, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

42 Prior to the first occupation or use of Block F, the approved remediation scheme (ref: EN6250-R-17-1-4-NS and letter ref: EN6250-C-058-RT-BAO) must be completed in accordance with its terms and an additional verification report submitted that demonstrates the effectiveness of the remediation carried out, which is subject to the approval in writing of the Local Planning Authority.

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

43 In the event that previously unidentified contamination is found at any time when carrying out the development of block F, or during any advance infrastructure and enabling works approved under condition 7 being undertaken, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

44 Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7, prior to the commencement of development of block G, 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.

45 Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7, prior to the commencement of the development of block G, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

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

48 Prior to the commencement of the development of block H, 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 the potential for ground gas. 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) Determination of the ground gas regime at the site;
- (ii) an assessment of the potential risks to:
 - o human health from ground gas;
- (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 ground gas to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

51 In the event that previously unidentified contamination is found at any time when carrying out the development of block H, or during any advance infrastructure and enabling works approved under condition 7 being undertaken, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

52 Prior to the commencement of each Block and any advance infrastructure and enabling works approved pursuant to Condition 7 being undertaken, a Construction Environmental Management Plan (CEMP) in respect of that Block (or approved advance infrastructure and enabling works as the case may be) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

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. Ideally 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. In addition it is anticipated that 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. Ideally 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 artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above, the CEMP shall provide a 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 has been received (i.e. 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. The complaints procedure shall also include the provision of a complaints overview update to the LPA on a monthly basis detailing the number and nature of complaints and their date of resolution and action taken as a result.

All works on site shall be undertaken in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This information is required to safeguard the amenity of local residents and covers all elements of the development at all stages of the development process.

53 Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7, prior to the commencement of the construction of each of the blocks hereby approved, details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority for that Block. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

The agreed permitted discharge rates are as follows:

Block D - 26.4 l/sec unrestricted to phase 1 drainage and restricted to 6.2 l/sec to proposed drainage to River Foss outfall.

Block F - Restricted to 53.9 l/sec to proposed drainage to River Foss outfall.

Block G - Restricted to 28.4 l/sec to Yorkshire Water sewer in Carmelite Street.

Block H - Restricted to 38.2 l/sec to proposed drainage to River Foss outfall.

Dundas Street and Palmer Lane - Restricted to 17.2 l/sec to proposed drainage to River Foss outfall

Please note that the maximum discharge to proposed River Foss outfall when all stages are complete -148.6 l/sec.

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

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

54 Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7 and unless otherwise agreed in writing by the local planning authority, no construction of superstructures of any Block of the development shall take place until measures to divert or otherwise formally close the sewers and water mains that are laid within the site in association with that Block have been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to maintain the public water supply.

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

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

56 Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.

Reason: In the interest of satisfactory drainage.

57 A scheme of works for the restoration of the Foss Riverbank/wall, excluding the Kings Pool site, shall be submitted to and agreed by the Local Planning Authority prior to the occupation of block F. The scheme shall be implemented in accordance with the approved details and completed within six months of the substantial completion of the development.

Reason: In the interests of the visual amenities of locality, flood defence and ecology along the Foss corridor.

58 Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7, prior to the commencement of each of blocks G and H, a Sustainability Statement shall be submitted for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason; To ensure that the development of blocks G and H comply with the principles of sustainable development and are in accordance with Policy GP4a of the City of York Draft Local Plan (2005).

Notes to Applicant

1. LEGAL AGREEMENT

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

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (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: pre-application advice and the use of conditions.

3. DRAINAGE

EXISTING INFRASTRUCTURE - On the Statutory Sewer Map, there are 300/450/600/450x500 Circular/470x610 Brick Egg/590x620 mm Brick Circular diameter public combined, 150/310 mm diameter public foul and 150/225 and 300 mm diameter public surface water sewers recorded to cross the site. The presence of the pipes may affect the layout of the site and as such may be a material consideration in the determination of the application.

A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

Owing to the repeal of Section 18 of the Building Act 1984, in this instance, Yorkshire Water feels that appropriate planning conditions are necessary to adequately protect the pipes from being built over or near to. It is perceived that this will also be in the interests of future occupiers who may otherwise be dissatisfied. In this instance:

With regards to the 150 mm diameter public foul and 150/225 mm diameter public surface water sewers, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.

A stand-off distance of 3 (three) metres is required at each side of the 300 mm surface water and combined sewer centre-lines.

A stand-off distance of 3.5 (three point five) metres is required at each side of the 450 mm combined sewer centre-line.

A stand-off distance of 4 (four) metres is required at each side of the 310x360 foul/ 450x500 and 590x620 mm combined sewer centre-lines.

A stand-off distance of 5 (five) metres is required at each side of the 470x610 and 600 mm combined sewer centre-lines.

Further, there are 310x360mm/ 470x610mm and 500x640mm Brick Egg abandoned sewers located within the site. The Applicant / Developer is advised to survey the site / area and thoroughly investigate the situation and take adequate precautionary measures prior to building-over and / or building in close proximity.

No new trees planting within 5 metres either side of company infrastructure.

Foul water domestic waste should discharge to the 600 mm diameter public combined water sewer crossing the site.

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

SURFACE WATER - The Phase 2 Site Investigation and Environmental Risk Assessment (prepared by Waterman - Report EN6250/R/1.1.7/JR dated January 2008) confirms; Sub-soil conditions do not support the use of soakaways.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

4. HIGHWAY WORKS

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 email streetworks@york.gov.uk

5. UTILITIES

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.

6. MACHINERY, PLANT AND EQUIPMENT (Condition 32)

The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 0dB(A) below the background

noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, this being the design criteria adopted by Public Protection, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

7. TREATMENT AND EXTRACTION OF COOKING ODOURS (Condition 38)

It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Contact details:

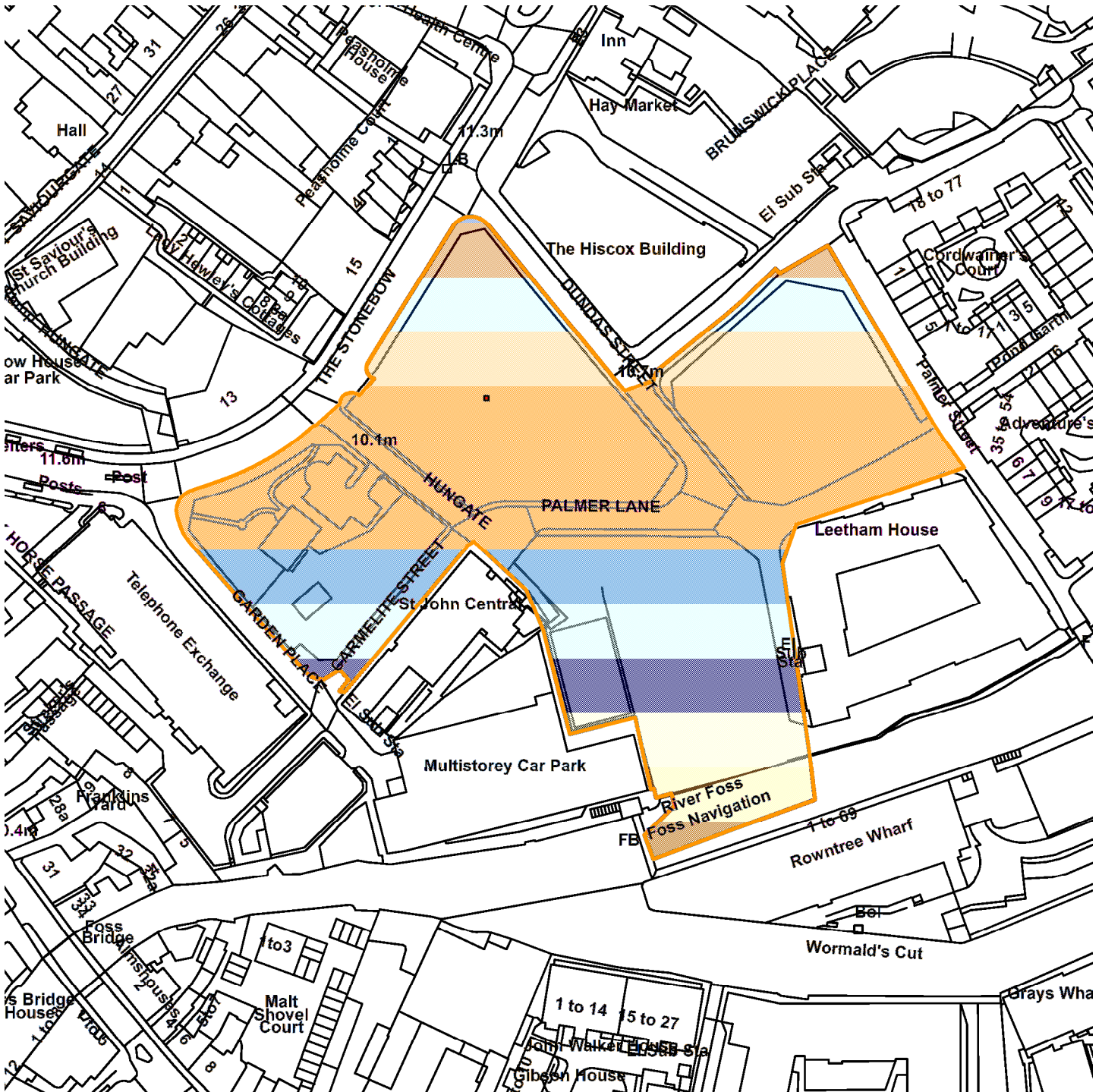
Author: Rachel Tyas Development Management Officer (Tues - Fri)

Tel No: 01904 551610

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Hungate Development Site

17/02019/OUTM



Scale : 1:1645

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 December 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 13 December 2017 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
 Commercial Team

Reference: 17/02305/FULM
Application at: Broad Oak Farm Dauby Lane Elvington York YO41 5LJ
For: Erection of 4 No. poultry buildings and associated buildings and infrastructure including new access
By: Mr David Fox
Application Type: Major Full Application (13 weeks)
Target Date: 27 December 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the construction of 4 intensive poultry rearing sheds each measuring 122m by 25m with a maximum height of 6m. A boiler house, gatehouse, water and gas tanks and associated access roads, hardstanding and an attenuation pond. The site will have a maximum capacity of 240,000 birds and will employ 2 full staff with additional staff employed at changeover times.

1.2 The site is an arable field within the general extent of the Green Belt. It abuts Broad Oak Farm which is a mixed arable and beef farm.

1.3 The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. A scoping opinion (17/01140/EIASP) was undertaken in June 2017 to determine the matters to be covered within the Environmental Statement submitted with this application.

2.0 POLICY CONTEXT

2.1 Please see section 4 for the relevant Policy and legislative context.

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY)

3.1 No objections. CYC must make a judgement under Regulation 61 of the Conservation of Habitats and Species Regulations (2010) as to the 'likely significant effect', if any, of the scheme on the statutory nature conservation sites within 1.2km

of the site. The Environment Agency's Ammonia Screening Tool results demonstrate that the emissions from the proposed development are not predicted to cause process contributions above 20% of the critical level or load for ammonia emissions, nitrogen deposition and acid deposition. Natural England has not raised any objections to the proposed development, specifically considering impacts on the SPA and SAC. Therefore likely significant effects can be ruled out and an appropriate assessment is not required.

PLANNING AND ENVIRONMENTAL MANAGEMENT (HERITAGE PROJECT OFFICER)

3.2 No objections. A condition is recommended.

PUBLIC PROTECTION

3.3 Due to the size of the proposed development, an Environmental Permit is required from the Environment Agency to ensure that the development does not cause an adverse impact on the environment in terms of emissions to land, water and air, and in relation to environmental impacts such as energy efficiency, waste reduction, raw materials consumption, odour, noise, vibration and heat. All of these aspects will be controlled by condition through such a permit which is subject to a sister application with the Environment Agency. Conditions are therefore only recommended in relation to the construction phase and aspects of the development operation not controlled by the permit. No objection. Conditions are recommended.

FLOOD RISK MANAGEMENT

3.4 No objections. Conditions are recommended.

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE)

3.5 The visual impact of the proposals is considered not to be significant in the landscape. Changes have been requested to replace the hedgerow that is to be removed to provide visibility splays behind the splay line and to amend the proposed tree planting mix to include native evergreens. A response has been received from the applicant showing amendments in line with these requests.

HIGHWAY NETWORK MANAGEMENT

3.6 Revised visibility splays were requested from the applicant. These have been provided and conditions have been suggested.

EXTERNAL

NATURAL ENGLAND

3.7 No objection. Based on the plans provided Natural England considers that the proposal will not have significant adverse impacts on the designated sites in proximity to the application site.

ENVIRONMENT AGENCY

3.8 No objections. The applicant should be aware that an Environmental Permit is required for the development.

YORKSHIRE WATER

3.9 No comments.

OUSE AND DERWENT IDB

3.10 No objection in principle. Conditions are recommended.

NEIGHBOUR NOTIFICATION AND PUBLICITY

3.11 No representations received.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- General Extent of York Green Belt – agricultural building exception ;
- Content of the application;
- Consideration of alternative sites;
- Issues of Odour, Noise and Light Pollution;
- Impact of Additional Traffic upon the Local Highway Network;
- Impact upon the Local Pattern of Surface Water Drainage.

PLANNING POLICY CONTEXT:-

4.2 GREEN BELT:- Saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Central Government Planning Polices in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. In this case the buildings fall within the exception in NPPF paragraph 89 being agricultural. The Judgment in R (Lee Valley Park) v Epping Forest DC (2016) held that where development falls within a

paragraph 89 exception in the NPPF it means it is “appropriate” to the Green Belt and is therefore not restricted by the NPPF Green Belt policies that would otherwise require assessment of openness, green belt purposes and very special circumstances to be demonstrated. Where there are no other NPPF policies which indicate that the development should be restricted, the presumption in favour of sustainable development at paragraph 14 will therefore continue to apply, notwithstanding the Green Belt location.

4.3 AMENITY ISSUES:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

4.4 RURAL ECONOMY:- Central Government Planning Policy as outlined in paragraph 28 of the National Planning Policy Framework urges Local Planning Authorities to support the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural leisure developments which benefit rural communities and respect the character of the countryside.

4.5 HABITAT AND BIODIVERSITY:- Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to conserve and enhance biodiversity by ensuring that planning permission is not granted for development that would result in the loss of irreplaceable unless clear public benefits can be demonstrated that outweigh the harm caused by the loss.

4.6 SURFACE WATER DRAINAGE AND FLOOD RISK:-Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.

4.7 ENVIRONMENTAL IMPACT ASSESSMENT:- The 2011 Town and Country Planning (Environmental Impact Assessment) Regulations through Schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against. The current proposal falls within Schedule 1 by virtue of the physical size of the building complex and the number of chickens to be processed when the operation is at full capacity.

CONTENT OF THE APPLICATION

4.8 As the application is accompanied by an Environmental Statement, consideration has been given to the content of the application and whether specific and fully detailed information has been presented to enable the full environmental implications of the proposal to be understood. An assumption in this regard is that the proposals for the full planning permission are detailed, precise and clear.

4.9 The scoping exercise undertaken established that any significant environmental effects were considered most likely to arise from the impact of the development post construction and in relation to biodiversity, visual impact, noise, odour and air quality, drainage and transport impacts.

4.10 Overall, an acceptable level of detail has been submitted within the Environmental Statement. The ES has been reviewed by internal and external consultees and no significant additional information has been requested to determine the application. Changes have been requested to visibility splays which were overly generous and removed significant lengths of hedgerow and to increase the level of native evergreens in the planting mix. The Ecology Officer has also noted that the ecology assessment has not been undertaken in line with Chartered Institute of Ecology and Environmental Management Guidelines for EIA as would be expected. The ecology evidence base has been collated in line with best practice guidance however a full impact assessment has not been undertaken. Ultimately, it has been concluded that the planning application with ES is comprehensive and robust following the receipt of the minor changes to the visibility splays and landscaping proposal.

4.11 It has further been noted within the ES that there are no further intensive livestock units within 5km of the site. As a result of this a cumulative impact has been scoped out.

CONSIDERATION OF ALTERNATIVE LOCATIONS:-

4.12 The requirements of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations state that the ES should include details of the reasonable alternative sites studied by the developer. The Environmental Statement references this and states that the proposed site is adjacent to existing farm buildings and as such was appropriate for the development. Pre-application enquiry with the Environment Agency indicated that the proposal was acceptable in terms of ammonia and nitrogen deposition impacts to sites of nature conservation importance. The EIA process then confirmed that the proposals at Broad Oak Farm were unlikely to have significant environmental effects and a planning application was submitted.

ISSUES OF ODOUR, NOISE AND LIGHT POLLUTION

4.13 The development will be operating under a permit issued by the Environment Agency which will control impact on the environment from emissions and also

energy efficiency, waste reduction, raw materials consumption, odour, noise, vibration and heat.

4.14 Other impacts during the construction phase and ongoing impacts not controlled by the EA permit can be adequately controlled via planning condition. The nearest residential dwelling is Broad Oak Farm which is in the applicant's ownership. As details of the lighting proposed for the development could not be found within the documentation, a condition has been suggested for submission of a lighting scheme. Given the distances involved it is considered unlikely that the lighting would have any impact on residential amenity.

VISUAL AND LANDSCAPE IMPACT

4.15 The application site is located in the far eastern reaches of the Local Authority's boundary, just north of Elvington village. Even though, under paragraph 89 of the NPPF agricultural buildings are appropriate in the Green Belt, the proposal does not escape other policies in the NPPF, including policies directed to the visual effects of development and the protection of countryside or the character of the landscape. It lies within landscape character type 4 - 'Wooded arable lowland', according to the York Landscape Appraisal. There are few detractors in this attractive local landscape that is made up of arable fields, hedgerows and trees, supplemented by woods, and kept simple by the flat topography. The resulting tranquil, rural landscape quality is high.

4.16 The immediate landscape to the site in a westerly direction is typically flat, across which, long distance views are restricted by layers of hedgerows and hedgerow trees including standard Oak trees. Small woodlands, copses and shelterbelts also feature. There are no views to higher ground or distant landscapes across the site. There are views of the Wolds further north along Dauby Lane; the application site does not affect views in that direction. Views of the site are limited from the southern approach, due to a combination of existing vegetation and farm buildings, including the complex of Broad Oak Farm which provides an anchor for the scheme.

4.17 Due to the angle of approach along Dauby Lane from the north, the length and fronts of the poultry units would be visible. The four proposed poultry buildings and ancillary structures would occupy approximately two thirds of the large arable field adjacent to Dauby Lane. The boundary between the application site and Dauby Lane consists of a managed native hedge and some mature hedgerow trees, namely Oak, which is typical for the local landscape character.

4.18 The scale of the poultry buildings, by way of their length, is much larger than any other buildings in the area, however their architectural simplicity, relatively low height and building materials, give them a character suited to their agricultural use and context. The biomass boiler building is the tallest, at a height of 8.5m over a length of 36m, making it quite a substantial building, though comparable with the

existing larger shed within the farm complex. Officers have requested that the boiler building be moved closer to the poultry sheds but the applicant has stated that this is not possible because of operational reasons related to a need for access to the sheds for loading.

4.19 The poultry units are pushed to the rear western boundary of the field, thereby leaving a useful distance and area of open space/remaining field between the main body of the development and Dauby Lane. There would be a change in landscape features of the site, and views across the landscape due to the introduction of a narrow belt of woodland planting alongside Dauby Lane. This would not be out of character for the area, as there are a number of small woodlands in the wider vicinity and across this landscape character type. Current views across the field from Dauby lane would be restricted. During the winter months the presence of the long units, and the taller biomass boiler building, would be apparent. The extent of proposed planting, and the set back, would soften the impact and assist in distracting the eye away from the development.

4.20 No bunds are proposed to interfere with the flat and open nature of the landscape. The applicant has confirmed that any excavated top soil from construction will be spread across the farm and will not form new mounds.

4.21 The landscape proposals consist of a slim woodland belt running parallel with the boundary with Dauby Lane, plus some planting to the south of the proposed attenuation pond. The mix of native trees is appropriate and has been amended to include native evergreens to provide year round cover and this would, once established, substantially reduce the visibility of the development.

4.22 North of the existing entrance is a good, dense hedgerow which is a valuable landscape feature, which in addition has good screening properties. Amended plans are to be provided to show the hedgerow, which will be removed to provide visibility splays, replaced at the back of the sight lines at a distance that would accommodate seasonal growth.

4.23 A Landscape and Visual Impact Assessment has been submitted with the application. The study has been executed in line with nationally recognised legislation and guidance. The visual impact was found to be 'not significant'. Officers agree with this assessment but note that the perception of views during the winter months, and the short term views before the mitigation landscape becomes established will be more distinct than indicated.

BIODIVERSITY

4.24 The main impact identified on the statutory and non-statutory nature conservation sites within close proximity of the development site is through emissions. The pre-application screening undertaken for the Environment Agency

indicates that emission thresholds for sensitive sites will not be breached. No evidence of protected species was found during the Phase 1 Habitats Survey.

4.25 City of York Council as the competent authority must make a judgement under Regulation 61 of the Conservation of Habitats and Species Regulations (2010) as to the 'likely significant effect', if any, of the development on the Lower Derwent Valley Special Protection Area (SPA) and Special Area of Conservation (SAC), which is within 1.2km of the site. From the EA's Ammonia Screening Tool it has been identified that the proposal would not have significant impacts on the Lower Derwent Valley SPA and SAC either on its own or cumulatively with other development.

HIGHWAYS IMPACTS

4.26 Highways officers have requested that the visibility splays are reduced in length as they are shown at greater than the required distance given the data provided in the transport statement. Confirmation of recommended conditions from officers is still awaited.

DRAINAGE CONSIDERATIONS

4.27 No objections were raised to the proposed details and conditions were recommended to protect the local aquatic environment and public sewer network.

SUSTAINABILITY

4.28 The poultry unit requires an IPPC permit from the Environment Agency. This requires that the unit is operating with best available techniques. A biomass boiler will provide heating to the sheds.

4.29 The application notes that there are 3 dimensions to sustainable development as highlighted in the NPPF - social, economic and environmental factors all contribute to sustainability. In terms of its social impact, the development will provide environmentally efficient food for which there is a proven demand, as well as employment for local people which has a knock on effect on the rural community. The economic effect of the development is identified in the considerable investment that the applicant is putting in to the unit, as well as the 2 people who will be employed permanently on site and other associated jobs involved in supporting the unit during construction and operation. In terms of its environmental role, the use of a renewable form of heating has been identified as well as the proximity of meat processors who would be well within the 50 mile limit for transport of live birds.

4.30 The buildings are of steel framed construction with profile sheeting above in an olive green finish.

5.0 CONCLUSION

5.1 The site comprises an area of presently arable land lying within the general extent of the Green Belt to the South East of Dunnington and North of Elvington. Planning permission is sought for the development of an intensive poultry farm on the site to handle an operational stocking capacity of 240,000 chickens employing 2 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. The application site is presently undeveloped and the proposal would result in the construction of a substantial built complex comprising of 4 chicken sheds, feed bins, boiler and gate houses.

5.2 The proposal falls within the unqualified exception to Green Belt policies at paragraph 89 of the NPPF. The case R (Lee Valley Park) v Epping Forest DC (2016) confirms that in these circumstances such development is considered appropriate development in the Green Belt, and therefore the more restrictive Green Belt policies do not apply. The presumption in favour of sustainable development set out in paragraph 14 to the NPPF applies notwithstanding the Green Belt location.

5.3 The proposals have been identified to sit comfortably within the rural landscape. Appropriate mitigation in the form of a landscape strip between Dauby Lane and the site will, over time, mitigate for any impact on the character of the landscape. Appropriate conditions have been suggested to control matters not covered by the Environment Agency permit.

5.4 The proposal is considered not to result in any significant harm to visual or residential amenity and transport impacts would be acceptable. Officers therefore recommend that the application be approved subject to conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location plan

Site plan IP/PBF/02 A

Landscape plan IPA21380-11A

IP/PBF/03 Gate house

IP/PBF/03 Elevations and floor plans buildings 1 and 2 (3 and 4 identical)

IP/PBF/05 Gas tanks

IP/PBF/06 Water tank

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

3 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.

NOTE: 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. Ideally 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. In addition I would anticipate that 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. Ideally 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 artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a 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 (i.e. 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.

Reason: To protect the amenity of the locality

4 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be

confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

5 LC4 Land contamination - unexpected contam

6 Full details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual and residential amenity.

7 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief/strip and record on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of archaeological interest and the development may affect important archaeological deposits which must be recorded

8 No development shall take place until details of the proposed means of foul, surface and contaminated (washout from chicken pens) water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Details to be agreed.

a) The use of SuDS methods of surface water disposal i.e. soakaways should be explored and discounted if discharge to watercourse allowed.

b) In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the Ouse and Derwent Internal Drainage Board, peak surface water run-off from Greenfield developments must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). 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.

c) Details of foul water disposal shall be provided.

d) Details of contaminated (washout from chicken pens) water disposal shall be provided.

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

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

Reason: So that the Local Planning Authority may be satisfied that no foul, surface and contaminated (washout from chicken pens) water drainage discharges take place until proper provision has been made for their disposal.

10 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

11 Within 6 months of first occupation of the development hereby approved, a tree management plan to include details of the long term management of the new planted trees and hedgerows shall be submitted and approved in writing by the Local Planning Authority. The approved management plan shall be fully implemented for the lifetime of the development.

Reason: In the interests of visual amenity.

12 Prior to the development coming into use the sight lines shown on the approved plan IP/PBF/02 A shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

13 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the plan IP/PBF/02 A. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

Contact details:

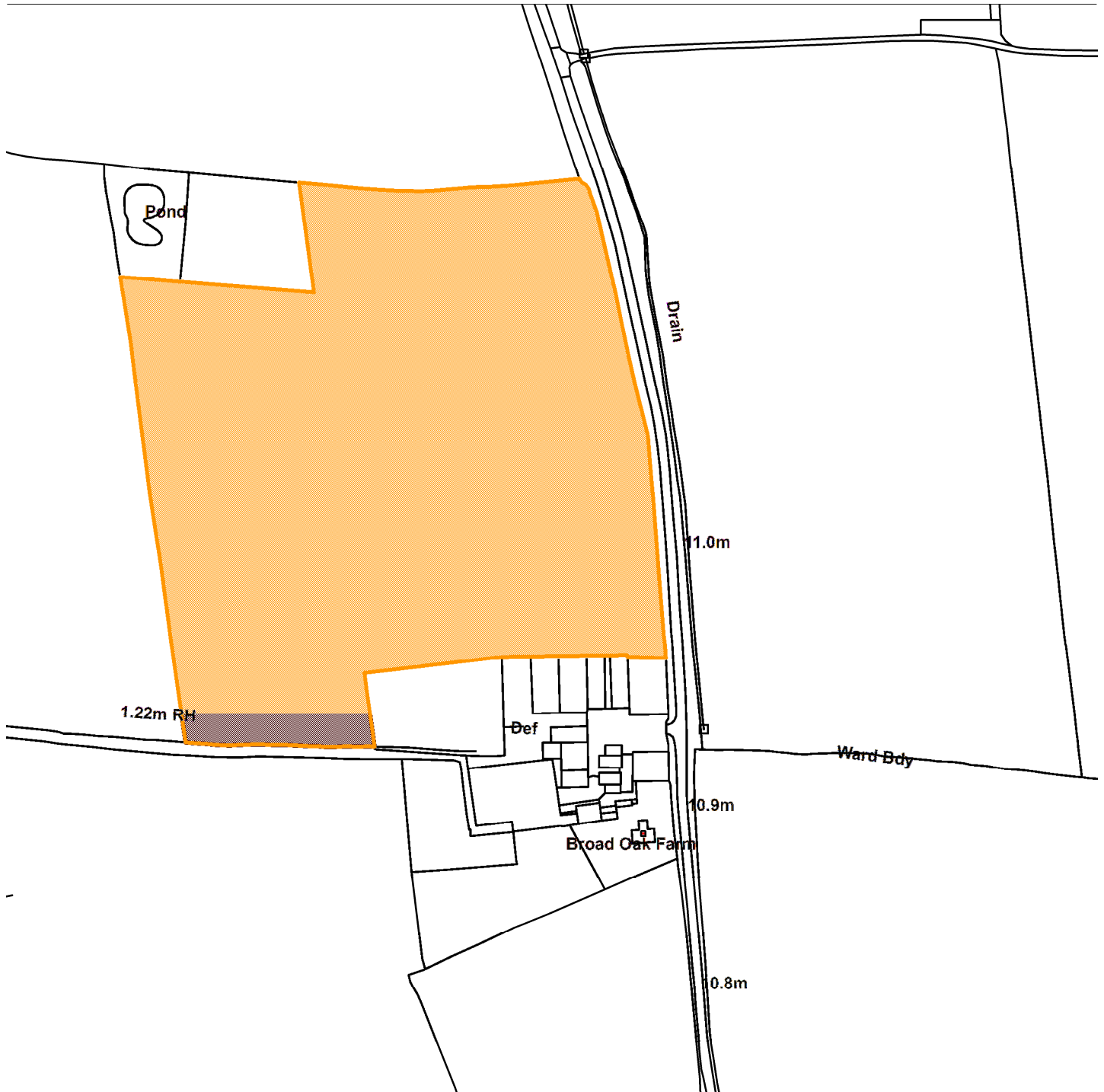
Author: Alison Stockdale Development Management Officer (Tues - Fri)

Tel No: 01904 555730

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17/02305/FULM

Broad Oak Farm Dauby Lane Elvington



Scale : 1:2924

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 December 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 13th December 2017 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 17/00429/FULM
Application at: Proposed Hotel 46 - 50 Piccadilly York YO1 9NX
For: Erection of part 5/part 6 storey hotel (140 bedrooms) with ground floor restaurant and 5 storey building comprising 8 no. apartments (class C3)
By: Northminster Limited
Application Type: Major Full Application (13 weeks)
Target Date: 22 December 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 6 storey hotel (140 Bedrooms) fronting onto Piccadilly and a five storey block of 8 apartments to the rear of the site, facing the River Foss. The majority of the hotel would be 5 storeys in height with a centrally located sixth floor.

1.2 The two storey building is currently used as a car park with a retail unit fronting Piccadilly. The building dates from the 1950s.

1.3 The site is within the Central Historic Core Conservation Area and within an Area of Archaeological Importance. To the west is the River Foss, the Castle Museum: The Female Prison (Grade I Listed) and the debtors prison (Grade I listed), curtain wall (Grade I listed); Crown Court and Railings (Grade I listed) York Castle Car Park, and Clifford's Tower (Grade I listed). York Castle is an ancient scheduled monument. To the south of the application site is Ryedale House an 8 storey 1960s tower block for which there has been a number of recent applications (see planning history). To the north is 36- 44 Piccadilly, an application (see further details in planning history) for the development of this site came before committee September 2013 and Planning Committee voted to approve the application once a legal agreement has been signed. The applicant went into administration and the legal agreement was not signed and the application was Finally Disposed of. To the east of the site are the Spark York development and a four storey office block for the Department for Work and Pensions. Further east is the Church of St Denys (Grade I listed).

1.4 The site is within Flood Zone 3 and is known to flood.

1.5 Revised plans have been submitted making alterations to the appearance of the hotel. Alterations to the apartment building include the reduction in height, and it is

moved slightly further north. A revised FRA and Flood Evacuation Plan were submitted during the application together with revised plans and elevations, an archaeology report detailing the water monitoring that has been undertaken on site, and a plan detailing works to the highway. The application has been the subject of 3 separate periods of consultation. The last consultation period ended 20.11.2017.

RELEVANT PLANNING HISTORY

Application site

- 11/00209/CLU - Use of part of the ground floor as a 63 space public long stay car park with operating hours from 7am to 7pm Monday to Saturday and 9am to 6pm on Sundays and charging on the basis of increments of 2, 4, 6 and 24 hours - Certificate granted

Neighbouring Ryedale House

- 17/02398/FUL - External alterations to existing building and extensions to create an additional floor to provide 4 no. residential units and entrance foyer with associated car parking and landscaping - Pending
- 16/02022/ORC - Proposed change of use from offices to 73 apartments (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 - Approved

Neighbouring 36- 44 Piccadilly

- 13/02397/FULM - Demolition and partial demolition of existing buildings and erection of a mixed use development comprising 2no. ground floor retail units (use class A1/A2/A3/A4) and 37 residential units (use Class C3) with associated parking, access and landscaping - Finally Disposed Of
- 00/01297/FUL - Mixed use development - retail, restaurants, residential (27 flats), offices, leisure and car parking, alterations to Fenwick's and Preston's and associated highway works including changes to Tower Street/Piccadilly junction (Revised Scheme) - Refused

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- SP3 Safeguarding the Historic Character and Setting of York
- SP6 Location strategy
- SP7B York City Centre and Central Shopping Area
- SP8 Reducing dependence on the car

- SP9 Action Areas
- SP10 Strategic Windfalls
- GP1 Design
- GP3 Planning against crime
- GP4A Sustainability
- GP6 Contaminated land
- GP9 Landscaping
- GP10 Subdivision of gardens and infill devt
- GP15A Development and Flood Risk
- NE3 Water protection
- NE8 Green Corridors
- HE2 Development in historic locations
- HE3 Conservation Areas
- HE4 Listed Buildings
- HE5 Demolition of Listed Buildings and Buildings in Conservation Areas
- HE9 Scheduled Ancient Monuments
- HE10 Archaeology
- T2A Existing Pedestrian/Cycle Networks
- T4 Cycle parking standards
- T5 Traffic and pedestrian safety
- T7C Access to Public Transport
- T13A Travel Plans and Contributions
- T20 Planning agreements
- H5A Residential Density
- E3B Existing and Proposed Employment Sites
- E4 Employment devt on unallocated land
- S1 Proposed Shopping Sites
- S6 Control of food and drink (A3) uses
- S7 Evening entertainment including A3/D2
- V1 Criteria for visitor related devt
- V3 Criteria for hotels and guest houses
- H1 Housing Allocations

Pre-Publication draft Local Plan (2017):

- DP1 York Sub Area
- DP2 Sustainable Development
- DP3 Sustainable Communities
- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- SS3 York City Centre
- SS5 Castle Gateway
- EC1 Provision of Employment Land
- EC2 Loss of Employment Land

- EC4 Tourism
- R3 York City Centre Retail
- H2 Density of Residential Development
- HW7 Healthy Places
- D1 Placemaking
- D2 Landscape and Setting
- D3 Cultural Provision
- D4 Conservation Areas
- D5 Listed Buildings
- D6 Archaeology
- D7 The Significance of Non-Designated Heritage Assets
- D9 City of York Historic Environment Record
- GI1 Green Infrastructure
- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- CC1 Renewable and Low Carbon Energy Generation and Storage
- CC2 Sustainable Design and Construction of New Development
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- T5 Strategic Cycle and Pedestrian Network Links and Improvements

2.2 Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 The site is in a sustainable location, close to the city centre and it's facilities. The negligible level of car parking provided for the hotel is consistent with a number of other hotels in the city centre. The application has been supported by a Travel Plan which identifies measures which will be used to promote sustainable travel for both the residential and hotel elements of the scheme

3.2 Access to the parking spaces is to be via a new dropped vehicular crossing which is located in a similar position to the existing Southern most access to the site.

3.3 The proposed redevelopment of this site and adjacent sites will increase the footfall along Piccadilly and as such officers have negotiated and secured (via

condition) a proportionate improvement to adjacent public realm related to the development scheme being proposed. The works would be carried out to the cost of the applicant through Agreement under S278 of the Highways Act 1980. As other development sites along this section of Piccadilly come forward the public realm improvements will be extended.

3.4 Request following conditions; Hwy 14, Hwy 17 (kerb, footway), Hwy 18, Hwy 19, Hwy 39 (narrowing of Piccadilly carriageway to 6m, widening of footway along site frontage and provision of servicing bay within the widened footway as shown indicatively on drawing 262 (PL) 006 Rev C), Hwy 40, Method of Works, Travel Plan. Request INF 1 (S278), INF 2

PLANNING AND ENVIRONMENTAL MANAGEMENT (Design and Sustainability Manager)

3.5 No objections to the design. The proposed dark grey images of bricks in submitted documentation to date are unlikely to be appropriate

3.6 Proposed development does not result in harm to the setting or special interests of the conservation area, ancient scheduled monuments, or the surrounding listed buildings (*Officer Note; these issues are considered in more detail at section 4*).

3.7 Request the following conditions: large scale details, materials, landscaping, boundary treatment, and alterations to the apertures to the compensatory flood storage under the proposed hotel

PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY OFFICER)

3.8 There are no statutory nature conservation sites on or immediately adjacent to the site. Approximately 1.6km downstream of the site is Fulford Ings Site of Special Scientific Interest (SSSI). If standard best practice in relation to demolition, construction and working near water is used there should be no negative impacts on the SSSI.

3.9 The River Ouse is a Site of Importance for Nature Conservation due to the presence of otter and migratory fish species. This should not be impacted on. The River Foss is noted as a Site of Local Interest because of its wildlife interest and importance as a connecting green corridor. Otter are known to use the River Foss within the city centre. This European protected species was recorded in 2015 from approx. 360m upstream of the site. Kingfisher, a species protected under Schedule 1 of the Wildlife and Countryside Act, has been recorded from King's Pool upstream of the site.

3.10 A Phase 1 Habitat Survey and bat survey has been undertaken on the site. No sign of use by otter was found and there is no habitat for water vole; the river bank is constructed out of brick and steel pilings along this section. The majority of the

building offers low risk bat habitat. No bats were recorded emerging from the building and no further surveys recommended.

3.11 In the proposals the north-west corner of the site is opened up to form a new garden space adjacent to the River Foss with columnar oak trees (*Quercus robur* 'Fastigiata'). The building currently on site is single storey and the proposed residential building will be five storeys. The development will result in additional shade, noise and artificial light in this area. Request that a sensitive lighting scheme should be secured through a planning condition to limit excessive light spill over the River Foss.

3.12 There is a missed opportunity to enhance the green corridor here by setting back the buildings and providing soft landscaping along the River Foss. However, there are no ecological grounds to refuse this application. If this application were approved, request a condition for the bat accommodation.

PLANNING AND ENVIRONMENTAL MANAGEMENT (ARCHAEOLOGY)

3.13 Anoxic waterlogged deposits are preserved on this site and they are in "relatively good" condition. The deposits have the capacity to hold a large volume of water and these deposits will not drain rapidly if the water table falls. Monitoring of water levels has indicated that there is a dynamic hydrological regime with levels rising by 500mm during the spring-summer period. This regime appears to be driven through rainfall percolating through the site.

3.14 This 2017 report summary compares favourably with the assessment that was made of these deposits as a consequence of excavation of a deep trench as part of an archaeological evaluation carried out on this site in 1992: "The archaeological value of the deposits on site is undoubtedly high. The deposits of archaeological interest are undisturbed, waterlogged and well preserved". It appears therefore that the state of preservation of the deposits on this site has changed little since 1992.

3.15 The report suggests that the deposits are capable of retaining water should the water table within the site fall. It also suggests that any fall in the water table will be temporary, given the fact that the deposits are recharged primarily through rainfall.

3.16 Version 2 03/11/2017 of the evaluation report provides additional information that can be used to assess adequately the impact of the proposed development on these sub-surface deposits. The site contains anoxic, waterlogged deposits that may be considered an undesignated heritage asset of national importance.

3.17 The development proposal will cause harm and result in loss of deposits on this site. However, in the case of anoxic waterlogged deposits, this loss will be limited to that caused by the piled foundations. Policy HE10 ensures that this loss will be no greater than 5% of the deposits. The assessment of the hydrology of the site makes it clear that should water levels on the site fall, the deposits will remain saturated,

and that the water levels will be recharged through rainfall. Any loss of deposits on this site will result in less than substantial harm to their significances.

3.18 Consider that the proposed development will deliver public benefit in the area of understanding waterlogged archaeological deposits if an appropriate set of mitigation measures are put in place. (*Officer Note: This cannot be considered a factor in weighing public benefits against any harm identified to heritage assets*) These should consist of 1) continued monitoring of ground water levels and quality; 2) an archaeological watching brief on all groundworks; and 3) publication of the results of the archaeological project.

3.19 The proposed development will cause less than substantial harm to an undesignated heritage asset of national importance. This harm will be acceptable; provided that the harm is mitigated by actions covered planning conditions. Request following conditions: ARCH, ARCH 3, Archaeological programme

FLOOD RISK MANAGEMENT TEAM

3.20 No objections, seek conditions that development should be in accordance with FRA received November 2017, surface water drainage details to be submitted, no piped discharge of surface water from the development prior to the completion

3.21 The site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, although the Barrier was overwhelmed in December 2015 the storms experienced on this occasion were significantly in excess of the standard of protection of the barrier and record flows were experienced on the River Foss. The likelihood of this occurring again is low and capital investment has been delivered by the EA to improve the resilience of the Foss Barrier, the barrier is currently able to manage the scenarios experienced in 2015 and further resilience will be in place when the project completes at the end of 2017.

3.22 The site benefits from a range of flood warnings and again using the December 2015 event as an example all warnings were issued in advance of flood waters inundating the Piccadilly area and safe evacuation could have been initiated in response to such warnings if an approach such as that detailed by the applicant were followed.

3.23 An effective evacuation plan is appropriate in this location due to the low residual flood risks, the presence of formal flood defence infrastructure and a mature flood warning service.

3.24 Whilst the site is clearly in Flood Zone 3 the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and the applicant has addressed this in their approach and comments above regarding the Foss Barrier and warning provision support this.

3.25 Their approach represents a realistic and workable approach to flood risk evacuation amidst a flood risk scenario of high risk but low residual risk. However, the inclusion of the temporary raised walkway for 'significant events' seems rather strange and is at mixed purposes with an evacuation led approach. It states it would be deployed in a significant event when in eventuality with the barrier working it would only be in these events when any water was present in the area and would expect warnings well in advance and the site could be evacuated on receipt of these.

EMERGENCY PLANNING OFFICER

3.26 No comment received to the revised Flood Evacuation Plan, the following are their original comments:-

- Concerns regarding the Flood Evacuation Plan, alterations are required

PUBLIC PROTECTION

3.27 The proposed residential properties are to be located to the rear of the development away from the Piccadilly façade and towards the River Foss, with all windows to habitable rooms facing the River Foss rather than the rear of the hotel and towards Piccadilly. As a result noise levels detailed within the submitted noise assessment show that internal noise levels in the proposed apartments would comply with British Standard 8233:2014.

3.28 In addition internal noise levels in the proposed hotel rooms are stated as being able to comply with internal levels in British Standard 8233:2014, if suitable glazing is provided. Request this sought via condition

3.29 As a result the submitted noise assessment considered the existing background noise levels at the site in order to determine the representative daytime and night time background L90 levels. Analysis of the monitoring results established that the day time representative L90 (1 hour) level is 46dB(A) and that during the night time the representative L90 (15 minute) level is 38dB(A). Request details of machinery via condition

3.30 In terms of noise and pollution associated with the development of the new hotel and housing Public Protection do have concerns over the potential for loss of amenity which may arise and therefore request a Construction and Management Plan via condition together with the restriction of the times of demolition and construction

3.31 Within the application it is unclear as to the exact location of any service entrance for the proposed entrance. Given the proposed new residential dwellings

would request that the hours of delivery be restricted to ensure that there would be no loss of amenity due to noise associated with any deliveries.

3.32 As part of the hotel development a kitchen is to be provided to cater for the proposed restaurant area on the ground floor. Due to the potential for odour associated with any kitchen extraction unit to affect the amenity of nearby receptors in the area request a condition seeking adequate facilities for the treatment and extraction of cooking odours

3.33 From the submitted plans it would appear that no areas would be provided for functions which could involve amplified music. Should this change then consideration of the potential for noise from such uses would be required.

3.34 The Preliminary Investigation Report (dated 10 November 2016). The report is acceptable and agree that an intrusive ground investigation is undertaken to find out whether land contamination is present is required. If contamination is found, the appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use. Request conditions for land contamination, remediation scheme, verification of remedial works, and the reporting of unexpected contamination

3.35 The latest monitoring data undertaken by City of York Council along Piccadilly has found that the level NO₂ in the area is currently below that annual mean objective level. As a result there are not air quality requirements for this application.

3.36 Request vehicle-charging point for each of the eight car parking bays of the apartments

PUBLIC REALM

3.37 Any comments received will be reported to Committee.

PLANNING AND ENVIRONMENTAL MANAGEMENT (Forward Planning)

3.38 States given the CYC's longstanding aspirations for mixed use regeneration in the Castle Piccadilly Area it has long been recognised that a comprehensive planning approach is needed to secure high quality regeneration in this significant and sensitive historic environment. It is important to consider the key policy issues that apply for this application - namely the potential for piecemeal development of the Castle Gateway area, the overall retail strategy for the city centre and the principle of hotel and residential development at the site.

3.39 A conceptual masterplan and detailed design of the public realm and infrastructure is in the process of being prepared as part of a masterplan for the Castle Gateway area. The masterplan will shape the key elements of the development on Castle Car Park, including the bridge across the River Foss. The

commercial development elements of the Castle Gateway will also need to meet the quality criteria and vision for the area. However this masterplan is at an early stage and as such is considered to carry very limited weight in the consideration of this application.

3.40 In principle, there is no policy objection to the proposed uses of hotel/ leisure and residential, as part of a mixed use scheme. However, this highly significant part of the central historic core conservation area must be enhanced through such development and promote future opportunities for enhancement by the establishment of agreed principles within a robust urban design framework in partnership with the Council.

3.41 There are issues in relation to the potential impacts of the proposal on the Central Historic Core Conservation Area (CHCCA). This relates to policies; GP1, HE2 and HE3 in the 2005 Draft Local Plan. As well as, policies; D1, D2 and D4 of the 2014 Publication Draft Local Plan. The Central Historic Core Conservation Area Character Appraisal provides a key evidence base for the Local Plan and is an important evidence base for any future proposals for the Castle Gateway area. The proposed Castle Gateway Area of Opportunity as approved by Executive in January 2017 broadly covers the areas defined in the CHCCA as the Kings Staith/Coppergate, Castle and Piccadilly Areas and several of the stated Castle Gateway development principles directly reference the Appraisal.

3.42 Issues are raised in relation to the flood risk for the site as it is located in flood zone 3a and the proposed uses are classified as vulnerable uses. Therefore, officers should be satisfied with the FRA, Sequential Test and the Exceptions Test. Consideration should be given to any potential impact this proposal may have on the neighbouring properties, including Ryedale House.

3.43 There are potential issues with transport and access. This relates to policies; T13a, T18 and T19 of the Draft Local Plan (2005) and Policies SS4, T5, T10 of the emerging Local Plan (2017) and the proposals map for the 2014 Publication Draft Local Plan. This proposal potentially compromises the location and delivery of the pedestrian/ cycle bridge across the River Foss discussed in policy T5 and shown on the emerging Local Plan Proposals map (2017). The policies set out in the draft plan support the regeneration of the Castle Gateway area. Specifically in relation to the Castle Piccadilly sub-area definitive schemes including a new pedestrian bridge across the River Foss and walkways along the river aim to enhance access and promote cultural enhancement through connectivity. Development in this location should ensure that these aspirations can be realised in the future as part of the wider Castle Gateway regeneration scheme (Policy SS5). Policies that particularly support this are, but not limited to: SS3, SS5, T5 and D3.

3.44 Whilst the principle of this use is supported, it is noted that the updated proposal still potentially compromises the location and delivery of the pedestrian/ cycle bridge across the River Foss discussed in policy T5 and shown on the Pre

Publication draft Local Plan (Regulation 18) Proposals map. The principle of a pedestrian/cycle footbridge is also part of the development principles of the emerging local plan Castle Gateway Area of Opportunity policy (SS5), which stated that development proposals should deliver a new landmark bridge for pedestrians and cyclists across the River Foss linking Piccadilly with the Castle Precinct through developer contributions and commercial uplift from new development sites.

WASTE SERVICES

3.45 No comments have been received regarding the revised refuse storage area for the apartments, the following is the original comments received:-

- The bin store that is indicated is not large enough for the number of bins required for 8 apartments. Collectively, they require 1,440 litres of bin capacity which can be made up using a variety of different bin sizes.

ECONOMIC DEVELOPMENT UNIT

3.46 Any comments received will be reported to Committee.

REGENERATION AND ASSET MANAGEMENT TEAM

3.47 States the application site sits in the Castle Gateway regeneration area. A key ambition of the vision for the area is to create a new landmark pedestrian and cycle bridge over the River Foss. This is set out in the Draft Area of Opportunity Policy in the emerging Local Plan. States that the Council has consulted on the Castle Gateway vision with the public over the summer through the My Castle Gateway project and there is overwhelming support for a new bridge over the River Foss.

3.48 The My Castle Gateway project is currently at the next stage, in which the emerging masterplan ideas that have been put forward by the council's masterplanning consultants, BDP are being explored. This period runs from mid November until 22 December. The outcome of that public engagement will be used to shape a preferred masterplan for the Castle Gateway which will be taken to the council's Executive for approval in March 2018.

3.49 The emerging ideas that are currently out to consultation propose two potential locations for the bridge over the Foss. The first is part of a wider expansion of a new River Foss walkway and would connect the council owned former Castle Mills Car Park and the rear of the Castle Museum. The second would run from a strip of land between the application site and the neighbouring Ryedale House, connecting Piccadilly to the Castle Car Park.

3.50 It is important to note that at this stage these remain ideas, and further testing of financial viability and engineering feasibility will need to be undertaken to inform which bridge will proceed to the preferred masterplan. Consequently, although the

bridge adjoining the application site at this stage still remains an option, it may be the only viable option for realising the ambition for a new pedestrian bridge.

3.51 The applicant and the neighbouring landowner are aware of this ambition and are supportive of the principle and the location between their two sites. The bridge would require a small section of the application site, and whilst a more significant section would improve the scope and potential quality of the bridge, it would technically be feasible under the current application. Ideally the bridge would form part of this application to allow a comprehensive consideration of the proposals, but the applicant is keen to proceed in advance of the preferred masterplan decisions. The team's view is that should any permission be granted it should be noted that the bridge as illustrated in the application drawings remains a real future prospect, and the permission should not preclude it from being built.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

GUILDHALL PLANNING PANEL

3.52 No comments received

POLICE ARCHITECTURAL LIAISON OFFICER (PALO)

3.53 The reported crime and antisocial behaviour levels in the immediate area are high

3.54 Private secure bicycle parking spaces are being provided for each apartment within undercroft stores next to allocated parking bays and that access into the site itself from Piccadilly will be via electrically controlled gates. This is welcomed.

3.55 It is recommended that the access road into the site and the rear parking area should be lit. Lighting should be compatible with any CCTV system fitted. In respect of the hotel element, it is highly recommended that all public entrances and exits into and out of the building should be covered by CCTV and in particular the entrance foyer and main reception area.

3.56 The sale of alcohol within the proposed restaurant area would require an application being submitted for a Premises Licence. It is noted in the Planning Statement (3.2) that a bar area has been mentioned. The application premises would sit just outside the City of York Cumulative Impact Zone. Recommend that vertical drinking within the hotel should not be supported.

3.57 The lack of parking spaces would indicate to that this venue would be extremely attractive for visiting 'Hen' and 'Stag' parties travelling to the city by coach or rail. The management and control of this hotel will have to be extremely robust to reduce the opportunity and likelihood of unacceptable behaviour by guests.

3.58 Request an Operational Management Statement should be conditioned. This statement should clearly detail how management and supervision of both the accommodation and its occupants are to be addressed.

3.59 Access to the apartment block should be controlled

3.60 The security of the proposed development is not compromised by access into the site from Ryedale House, particularly alongside the river edge. The covered river terrace and recessed area beneath the apartment block could be utilised, which can only be directly viewed from the opposite river bank

ENVIRONMENT AGENCY

3.61 The site lies within Flood Zone 3, which has a high flood risk. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test. Avoidance is the most effective flood risk management measure. Even when development can be made 'safe' in flood risk areas, there are always residual risks. In accordance with paragraph 103, consideration should only be given to development in flood risk areas following the Sequential Test. Development should not be permitted if there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding. Evidence to support the sequential test should be added to the planning file for the public record.

3.62 The proposed development will meet the requirements of the NPPF if the measures as detailed in the Flood Risk Assessment by AAH, dated October 2017 Ref 68801 submitted with this application are implemented and secured by way of a planning condition

3.63 Controlled waters are particularly sensitive in this location because the proposed development site is located upon the Sherwood Sandstone principal aquifer. The principal aquifer at the location is overlain by made ground and alluvial sands and clays. Furthermore the site is less than 50m from the river Foss. The previous uses of the proposed development site as a car park and motorbike workshop present a risk of contamination that could be mobilised during construction to pollute controlled waters. The contamination reports submitted in support of this planning application provide the EA with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the NPPF.

YORKSHIRE WATER

3.64 The Drainage strategy states that surface water will be discharged to the River Foss. Restrictions on the surface water disposal from the site may be imposed by other parties should seek advised from EA /Land Drainage Authority/IDB

3.65 Water supply can be provided. Depending on the demand requirements, some off site main laying will be required to service the site.

3.66 Request a condition for no piped discharge

CONSERVATION AREAS ADVISORY PANEL

3.67 Supportive of the proposed development

RIVER FOSS SOCIETY

3.68 Object, the development proposed would obstruct the subsequent creation of a public access, connected riverside walkway along the east bank of the River Foss between Blue Bridge and Piccadilly

3.69 In 2000, the Foss Walkway Project, commissioned from Arup jointly by CYC and the EA, recommended the creation of a continuous public walkway from Castle Mills Bridge to Piccadilly along the east bank of the Foss. This ambition was again expressed in 2008 in the report "York - New City Beautiful", which called for "a continuous walking edge along both rivers in the city centre" and pointed out the economic gains to be made from adding to York's environmental and recreational attractions in this way.

3.70 Taking a lead from these earlier proposals, the CYC is currently developing plans for the Castle Gateway area, which envisages a continuous riverside walkway on the east bank of the Foss all the way from Blue Bridge to Piccadilly, passing underneath Castle Mills Bridge and connecting with a new footbridge linking Clifford's Tower with Piccadilly. The CYC's ownership of the Castle Mills car park and Banana Warehouse sites, coupled with redevelopment of Ryedale House and 46-50 Piccadilly, offers an opportunity to make this a reality. Piecemeal development on individual sites should not be allowed to obstruct the broader objective of opening up the riverside to public pedestrian access

3.71 The application for 46-50 Piccadilly, while it appears to show a ground level riverside terrace for residents of the proposed apartment block, makes no provision to link this terrace with a connected riverside walkway or with an eventual footbridge, but rather appears to fence the terrace off within the private residential area. This would prevent the creation of a public walkway along this stretch of the river.

HISTORIC ENGLAND

3.72 No objections on heritage grounds. Consider that the application meets the requirements of the NPPF, in particular paragraph numbers 131 to 134.

YORK CIVIC TRUST

3.73 A hotel on this site would be a positive move for the city and in keeping with the Council's castle gateway ambitions. The revision to the design is an improvement.

3.74 Objection to the footprint and design of the proposed apartment block. The ground floor of the apartment floor remains a blank wall lacking in aesthetic interest to an important riverfront vista when viewed from the Castle Complex. To extend the apartments right up to the riverfront remains a particular detriment to the scheme. The city should exploit the great potential of its riversides by improving public access to them whenever possible. This development would remove the possibility of a walkway along on the Piccadilly side of the River Foss. The proposed apartment block should be set back from the riverfront to allow a walkway to continue from Weatherspoon / Castle Mills Bridge and past Ryedale House (or any future replacement).

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.75 One representation of general comments to revised scheme:

- Support the redevelopment of this Brownfield site and the replacement of the unattractive C20 buildings; agree with the advisory comments made by Historic England and York Civic Trust. The proposed development blocks the important views from Clifford's Tower towards the St. Deny's Church
- The design of the planned building is still too generic and not 'York' enough.
- Agree with the Police Designing Out Crime Advisor comments.

3.76 Two representations of Objection

- Proposed development would prevent the creation of a public walkway. The creation of a riverside walkway along the east bank of the Foss between the Blue Bridge and Piccadilly was recommended in the Foss Walkway Project (2000). In 2008 the "York - New City beautiful" report called for a continuous walking edge along both rivers in the city centre and that it would have economic gains in addition to being an environmental and recreational attraction. This is also supported by the "My Castle Gateway" document. The application has ignored this and provides further tourist facilities with no provision for the people of York. Allowing the current building would be an inexcusable lost opportunity

3.77 Two representations of general comments:

- Request details of the when construction would begin and how long
- Agree with the comments made by York Civic Trust regarding the River Foss frontage, design quality and footprint.

- Support the redevelopment of this Brownfield land and acknowledge the need for a city centre hotel in this location, feel that the Castle Gateway vision should be adopted before planning applications are made in this area.
- The proposed hotel building is visually disappointing.
- Impacts on the Conservation Area and the setting of nearby (and nationally important) Listed Buildings. Loss of views from Castle / Clifford's Tower area towards St. Deny's Church.
- The hotel could attract stag & hen parties and the resulting anti-social behaviour.
- It needs to reference the surrounding historic buildings and that some modern additions to Piccadilly (such as Piccadilly Plaza and the Postern Gate Travelodge / Wetherspoon) are much more sympathetic to the Conservation Area's character.
- Apart from the loss of views towards the church, have no concerns with a building of this scale in this location, as 5 storeys offers a transition between the largely 3 storey buildings along Piccadilly and the larger 8 storey Ryedale House building.

4.0 APPRAISAL

KEY ISSUES

- Flood Risk
- Future Bridge and River Path
- Impact to heritage assets
- Visual amenity and character
- Impact to neighbouring uses
- Highways
- Sustainability

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless 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. The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning flooding and heritage assets, (Sections 10 and 12).

4.2 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.

4.3 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. (This application is not in the Green Belt.)

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

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

4.5 Policy S1 'Proposed Shopping Sites' of the City of York Draft Local Plan (2005) states that Castle Piccadilly is identified as a key opportunity to meet identified need for new retail development. It was envisaged that it would be part of a mixed use scheme incorporating significant civic/open space and other appropriate uses in accordance with Policy SP9. Policy SP9 'Action Areas' identifies Castle Piccadilly (including the application site) as a mixed use development for retail, residential and employment, public transport facilities, car parking and quality civic open space.

EMERGING LOCAL PLAN

4.6 The public consultation on the Pre-Publication draft Local Plan ended on 30th October 2017 and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the

evidence base underpinning the emerging Plan is capable of being a material consideration in the determination of planning applications.

FLOOD RISK

4.7 The NPPG advises that a site specific FRA must -

- Identify the flood risk
- Where appropriate, demonstrate how land uses most sensitive to flood damage have been placed in areas within the site that are at least risk of flooding
- Flood risk management measures to make the development safe
- Ensure no increased flood risk elsewhere and where possible reduce risk
- What flood-related risks will remain during the lifetime of development, and how will these risks be managed? (E.g. flood warning and evacuation procedures)

4.8 The site lies within Flood Zone 3 and has flooded on previous occasions. Paragraph 103 of the NPPF states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

- Sequential Test

4.9 The NPPG states that it is for the LPA, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). The NPPG states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken: "the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives". In this case, the city centre has been used as the site

search area for this mixed use commercial development, reflecting the requirements of national and local planning policy to direct new leisure including hotel developments to town centres and then edge of centre locations built up urban areas. Of the 8 alternative sites identified, none met the criteria for being reasonably available in terms of either size, suitability for the development proposed, deliverability and developability.

4.10 The proposal as a whole would result in an increase in the vulnerability classification from 'Less Vulnerable' to 'More Vulnerable'. In this case the site has historically been developed; the existing building covers the majority of the site. The area is identified for regeneration (the Pre-Publication draft Local Plan 2017 and the emerging Castle Gateway Masterplan). The site is in a prominent city centre location, being viewed in its riverside setting, and along a main route through the city centre. The hotel would provide additional accommodation and has the potential to bring additional number of tourists to the city. There would be additional spend from the tourists and would also provide a number of people living/working in the city and revenue that it would bring to the city centre. In addition the proposed flats would bring homes which the city needs. In light of the lack of suitable alternative sites and the above is on these grounds that the sequential test is passed.

- Exception Test

4.11 For the Exception Test to be passed: it must be demonstrated that a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.12 The regeneration of this area is a long term aim of the Council, the redevelopment of this site for a hotel and apartments would provide additional accommodation and has the potential to bring additional number of tourists to the city. There would be additional spend from the tourists and would also provide a number of people living/working in the city and the spend that it would bring to the city centre. In addition it would provide much needed housing and does not have an undue impact on residential amenity and highway safety. For these reasons this would amount to a wider sustainability benefit.

4.13 The proposed development is not considered to increase flood risk elsewhere. The proposed development has compensatory flood storage within a void underneath the proposed hotel building.

4.14 The NPPG states that development should be safe and that any residual flood risk can be overcome. Access considerations should include the voluntary and free movement of people during a 'design flood' (1 in 100 year high), as well as the

potential for evacuation before a more extreme flood. To demonstrate to the satisfaction of the local planning authority that the development will be safe for its lifetime (minimum 100 years) taking account of the vulnerability of its users, a site-specific flood risk assessment should show that appropriate evacuation and flood response procedures are in place to manage the residual risk associated with an extreme flood event. In locations where there is a residual risk of flooding due to the presence of defences, judgments on whether a proposal can be regarded as safe will need to consider the feasibility of evacuation from the area should it be flooded.

4.15 The site lies within Flood Zone 3. Flood risk is from the River Foss to the west and the River Ouse further west. The 1 in 100 year flood level is 10.07 AOD, 10.66 AOD with 30% climate change. The proposed ground floor level within the hotel is 10.66 AOD, and there would be no sleeping accommodation on the ground floor. The lowest point of the ground floor of the apartment building would be 9.45 AOD - The flats would have no residential accommodation on the ground floor, the ground floor would be used for vehicle parking and storage. No additional flood resilient measures above the proposed ground floor level are proposed. The Flood Risk Management Team and the Environment Agency are satisfied that the proposed floor levels are appropriate in this location.

4.16 The proposed ground levels on site range between 9.45 AOD and 9.7 AOD. The footpath to the front of the hotel varies between 9.48 AOD and 9.91 AOD. Safe access and egress can not be provided during a design flood however the Flood Risk Manager states that the site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, and although the Barrier was overwhelmed in December 2015 the storms experienced on this occasion were significantly in excess of the standard of protection of the barrier and record flows were experienced on the River Foss. The Flood Risk Manager considers that the likelihood of this occurring again is low given the recent works by the Environment Agency to improve the resilience of the Foss Barrier, the barrier is currently able to manage the scenarios experienced in 2015 and further resilience will be in place when the project completes at the end of 2017.

4.17 The site benefits from a range of flood warnings and using the December 2015 event as an example all warnings were issued in advance of flood waters inundating the Piccadilly area and safe evacuation could have been initiated in response to such warnings if an approach such as that detailed by the applicant were followed.

4.18 The Flood Risk Manager states that an effective evacuation plan is appropriate in this location due to the low residual flood risks, the presence of formal flood defence infrastructure and a mature flood warning service. If other means were deployed to provide temporary emergency egress from the site it is likely that the site could be evacuated safely following the receipt of a flood warning in less time than it would take commence and complete deployment of temporary measures set out in the Flood Evacuation Plan. For example, to deploy a temporary raised

platform to provide a dry egress route from the property would require significant time to obtain the materials from storage and deploy.

4.19 The NPPF Planning Practice Guidance states: Even with defences in place, if the probability of inundation is high, safe access and egress should be maintained for the lifetime of the development. The practicality of safe evacuation from an area will depend on: the type of flood risk present, and the extent to which advance warning can be given in a flood event; the number of people that would require evacuation from the area potentially at risk; the adequacy of both evacuation routes and identified places that people could be evacuated to (and taking into account the length of time that the evacuation may need to last), and; sufficiently detailed and up to date evacuation plans being in place for the locality that address these and related issues.

4.20 Whilst the site is clearly in Flood Zone 3 the Flood Risk Management team consider the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and the Flood Risk Manager considers that the applicant has addressed this in their approach.

4.21 The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. In view of the above it is considered that the proposed development passes the exception test. There is adequate evidence that the sequential and exception tests can be passed. The measures within the FRA would be secured through a planning condition, as recommended by the Environment Agency.

FUTURE BRIDGE AND RIVER PATH

4.22 The 2006 CYC Castle Piccadilly Planning Brief and York Central Historic Core Conservation Area Appraisal emphasise the importance of establishing an overall cohesive plan to guide the regeneration/reinvigoration of the area, without which opportunities to achieve the necessary objectives would be lost by piecemeal development activity. This focussed on an area bounded by the Castle Precinct & part of Piccadilly and such a masterplan was expected to be undertaken by a comprehensive developer who would lead the development activity for the whole area.

4.23 The Pre-Publication draft Local Plan (2017): Policy SS3: York City Centre recognises this area to be the economic, social and cultural heart of York. The policy identifies this as a priority area for employment uses fundamental to delivering the plans economic vision and is supported as the principle location for the delivery of economic growth in tourism leisure and cultural sectors. Proposals that promote accessibility and movement are encouraged, particularly those that prioritise pedestrian and cycle movement and improve linkages between key places such as

Castle Piccadilly. The policy also identifies Castle Piccadilly (ST20) as a draft site allocation for mixed use development. Part of this policy requires that the setting of the River Ouse and River Foss be enhanced and their frontages, turning them into attractive, vibrant and bustling environments with improved access to the riverside and linkages to other parts of the city centre.

4.24 Policy SS5: Castle Gateway (ST20) is proposed to be allocated within the Spatial Strategy as an Area of Opportunity. The draft policy sets out that the purpose of this regeneration is to enhance the setting of Clifford's Tower and the Eye of York to recognise their importance, integrate the area into the city centre more, and improve connectivity. The policy requires the provision of a new landmark bridge for pedestrians and cyclists across the River Foss linking Piccadilly with the Castle Precinct through developer contributions and commercial uplift from new development sites. Together with the creation of a new public access, with varied treatment along one or both sides of the River Foss, with new connections linking to the wider pedestrian and cycle network. Provide active river frontage to any new development on sites adjoining the River Foss. The location of the bridge is also cover by Policy T5 'Strategic Cycle and Pedestrian Network Links and Improvements'.

4.25 The proposals map for the Draft Local Plan (2005) and Pre-Publication draft Local Plan (2017) both show a bridge in this location. The bridge location is also shown in the Central Historic Core Conservation Area Appraisal (2013).

4.26 Recently the council in partnership with My Future York have started to develop a masterplan, and taken in a wider area called the "Southern Gateway". The impetus for this change in approach has been the understanding that comprehensive retail led regeneration was no longer likely to be realised and so a single external party would not be able to create such a plan. The emerging ideas that are currently out to consultation propose two potential locations for the bridge over the Foss. The first is part of a wider expansion of a new River Foss walkway and would connect the council owned former Castle Mills Car Park and the rear of the Castle Museum. The second would run from a strip of land between the application site and the neighbouring Ryedale House, connecting Piccadilly to the Castle Car Park. It is important to note that at this stage these remain ideas, and further testing of financial viability and engineering feasibility will need to be undertaken to inform which bridge will proceed to the preferred masterplan.

4.27 Whilst none of the above has been adopted there is a clearly held long term intention of the Council for a bridge in this location (although other alternatives are being forwarded as part of the emerging masterplan) together with improved public relationship with the river. However it is acknowledged that the new masterplan is at an early stage and the emerging local Plan can only be afforded limited weight in accordance with the NPPF at this stage of preparation..

4.28 The NPPG explains how weight may be given to policies in emerging plans. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.

4.29 The proposed apartment block would prevent future public access/walkway being constructed on this side of the River Foss however this is further prevented from development further along the river. The Central Historic Core Conservation Area Appraisal (2013) states that character of the Foss is defined by its enclosure by historic buildings and it would not be appropriate to have a continuous walkway on the Piccadilly bank since this would diminish its historic character. A walkway could still be provided on the other side of the river.

4.30 The proposed apartment block is set back slightly from southern boundary with Ryedale House to the south. The applicant and the neighbouring landowner are aware of the ambition for a bridge in this location between their two sites. The bridge would require a small section of the application site, and whilst a more significant section would improve the scope and potential quality of the bridge, the current application does not prevent a bridge in this location albeit on the neighbouring site. The above policy is not adopted and as such has little weight and the masterplan is at a very early stage. The Regeneration and Asset Management Team consider that the construction of a bridge would technically be feasible in this location if the proposed development was constructed.

HOTEL DEVELOPMENT

4.31 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. 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.

4.32 A core principle of the NPPF to "support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances".

4.33 Policies E3b of the Development Control Local Plan (2005) and Policy EC2 (Loss of Employment Land) of the Pre-Publication draft Local Plan (2017) seeks to keep all employment 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.

4.34 The NPPF considers tourism related developments such as hotels to be a main town centre use. As a town centre use hotel development plays an important role in supporting the economic well being and vibrancy of York's city centre. By virtue of the city centre location a sequential test (Section 2 of the NPPF) is not required.

4.35 Policy V1 'Visitor related development' of the Development Control Local Plan (2005) advises that visitor related development will be encouraged providing; there are adequate servicing arrangements, the site is accessible by public transport, whether highway safety would not be compromised, where development would improve the prosperity of the cities tourism industry and economy, and when there is no adverse impact on amenity and the setting.

4.36 Policy V3 of the Development Control Local Plan (2005) relates to new hotels in the city. V3 states planning permission for hotels will be granted provided the proposal:

- Is compatible with its surroundings in terms of siting, scale and design;
- Would not result in the loss of residential accommodation;
- Would not have an adverse effect on the residential character of the area;
- Is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions

4.37 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Development Control Local Plan (2005) Policies V1 and V3. The proposed hotel is considered to have a neutral if potentially positive impact to the vitality and viability of the area. The proposed use will provide more footfall in the area during later hours.

4.38 The visual impact of the development, servicing and amenity are assessed in the other sections of the report.

4.39 There is currently no hotel operator involved with the proposed development. The layout of the hotel would indicate that it is unlikely to be a 4*/5* hotel. The York Tourism Accommodation Study (July 2014) has aims of increasing the number of 4*/5* standard accommodation however the star rating of the hotel can not be ensured. If the principle of a hotel is considered acceptable, it is therefore considered unreasonable to condition the hotel be 4*/5* quality.

4.40 The NPPF states that LPAs should promote competitive town centres that provide customer choice; and retain and enhance existing markets and, where appropriate, ensuring that markets remain attractive and competitive. LPAs should support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. The applicant is confident that there is a market for this level hotel accommodation and this view is not challenged.

IMPACT ON HERITAGE ASSETS

4.41 The site is within the Central Historic Core Conservation Area and it is within an Area of Archaeological Importance. It also forms part of the wider setting of Clifford's Tower (Ancient Scheduled Monument) and Castle Museum: The Female Prison (Grade I Listed) and the debtors prison (Grade I listed), curtain wall (Grade I listed); Crown Court and Railings (Grade I listed) York Castle Car Park, and Clifford's Tower (Grade I listed). York Castle is an ancient scheduled monument, Church of St Denys (Grade I listed).

4.42 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 the avoidance of such harm should be afforded considerable importance and weight.

4.43 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 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, paragraph 137.

4.44 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.45 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss.

4.46 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Development Control Local Plan (2005) policies HE2, HE3, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.47 The Central Historic Core Conservation Area Appraisal (2013) sets out important considerations for the area which must be met by any new development. The Castle Piccadilly area includes buildings of exceptional historical and architectural quality of international importance. Regeneration could transform this part of the City by enhancing the unique setting of these buildings and securing their sustainable future. In particular, the character, setting and appearance of the Castle Precinct (the area of the Scheduled Ancient Monument including Clifford's Tower)

- Archaeology

4.48 The NPPF sets out that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.49 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. The information supplied by the applicant demonstrates that the site has the potential to preserve undesignated heritage assets of national importance.

4.50 From the supporting information the CYC Archaeologist considers that the anoxic waterlogged deposits are preserved on this site and that they are in "relatively good" condition. The deposits have the capacity to hold a large volume of water and that these deposits will not drain rapidly if the water table falls. Monitoring of water levels has indicated that there is a dynamic hydrological regime with levels rising by 500mm during the spring-summer period. This regime appears to be driven through rainfall percolating through the site.

4.51 This supporting 2017 archaeology report summary compares favourably with the assessment that was made of these deposits as a consequence of excavation of a deep trench as part of an archaeological evaluation carried out on this site in 1992: "The archaeological value of the deposits on site is undoubtedly high. The deposits of archaeological interest are undisturbed, waterlogged and well preserved". It appears therefore that the state of preservation of the deposits on this site has changed little since 1992. The report suggests that the deposits are capable of retaining water should the water table within the site fall. It also suggests that any fall in the water table will be temporary, given the fact that the deposits are recharged primarily through rainfall.

4.52 The site contains anoxic, waterlogged deposits that may be considered an undesignated heritage asset of national importance. NPPF paragraph 135 states that "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The deposits on this site are of national significance; loss of these deposits should therefore be wholly exceptional. The NPPF goes on to state that where a proposed development will lead to substantial harm or loss of significance of a designated heritage asset, local planning authorities should refuse planning consent (paragraph 133). Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal (paragraph 134).

4.53 The development proposal will cause harm and result in loss of deposits on this site. However, in the case of anoxic waterlogged deposits, this loss will be limited to that caused by the piled foundations. This loss will be no greater than 5% of the deposits, in accordance with Policy HE10. The assessment of the hydrology of the site makes it clear that should water levels on the site fall, the deposits will remain saturated, and that the water levels will be recharged through rainfall. The CYC Archaeologist considers that any loss of deposits on this site will result in less than

substantial harm to their significance and they consider that the harm would be acceptable, provided that the harm is mitigated by actions covered planning conditions.

4.54 A Preliminary Investigation Report for contamination was submitted with the application regarding the potential contamination of the site. Based on these past uses, land contamination, underground tanks and made ground could all potentially be present at the site. The report therefore recommends that an intrusive ground investigation is undertaken to find out whether land contamination is present. Both Public Protection and the Archaeology Officer consider that there are means of decontaminating the site with minimum disturbance to the archaeology.

- Ancient Scheduled Monument

4.55 The castle area is an Ancient Scheduled Monument. The application site falls within a strategic panoramic view point from Clifford's Tower, Key View 16 (Central Historic Core Conservation Area Appraisal (2013)). The appraisal sets out that no new development should be permitted which would break the skyline of the historic core when viewed from this point. The views from Clifford's Tower provide an understanding of the 'topography' of the townscape. The appraisal sets out that there is a clear material division from this elevated vantage point: the everyday mass of the city is coloured in the reds and browns of brick and clay tile. From this 'choppy sea', as it has been described, rise the medieval buildings of Church and State. English Heritage has expressed the importance of the view from Clifford's Tower towards St Denys Church. English Heritage is now satisfied that the view and relationship between Clifford's Tower and St Denys Church has been retained by the revised designs of the proposed development.

4.56 The Design and Sustainability Manager does not consider that the proposed development would affect the character, appearance or setting of the York Castle Ancient Scheduled Monument.

- Central Historic Core Conservation Area

4.57 The application site is within the Central Historic Core Conservation Area. The Central Historic Core Conservation Area Appraisal (2013) (CHCCAA) sets out important considerations for the area which must be met by any new development. The site falls within Character Area 14: Piccadilly, and is directly adjacent and affecting Character Area 13: Castle.

4.58 The CHCCAA sets out that the majority of the buildings along the bank of the River Foss are designated as detractors for a number of reasons. The application site however is not designated as a detractor. The Appraisal comments on the deteriorated quality of the buildings along Piccadilly and the location is particularly sensitive since it is directly opposite the Castle precinct. The Appraisal sets out the sensitivity of views to the Castle buildings and that building heights and layouts must

respond to this. Breaking up blocks into a series of smaller elements and controlling building heights would help to achieve this.

4.59 The proposed buildings would be taller than the existing and would have more presence in the street, river corridor, and the surrounding area. However it is considered that the proposed development would not result in harm to the character, appearance, or setting of the conservation area.

- Listed Buildings

4.60 The NPPG states that "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

4.61 The Design and Sustainability Manager does not consider that the proposed cumulative development would result in harm to the character, appearance or setting of the adjacent listed buildings.

VISUAL AMENITY AND CHARACTER

4.62 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.63 The advice in Chapter 7 is replicated in Draft Local Plan Policy GP1 (Design) and, therefore, this policy accords with the NPPF. Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.64 The Central Historic Core Conservation Area Appraisal (2013) sets out that from Piccadilly Bridge to St Denys Road there is a fairly consistent building and roofline line and long stretches of adjoined facades. From St Denys Road southwards, large stand alone buildings of 1-8 storeys are set back from the pavement or angled to the street resulting in a significant amount of left over space between the blocks. As a result the street lacks formality and has a poor sense of enclosure. Piccadilly is rather a barren street, lacking trees or visible greenery and dominated by large buildings. The River Foss is hidden behind buildings which back directly onto it. There is no public access to the river; the exception is the Travelodge by Castle Mills Bridge. The large buildings and their positioning also block views to the Castle.

4.65 The main facade of the proposed hotel would go up 4 storeys from the back of the pavement; the fifth and sixth storey would be set back from this frontage. The design is relatively simple in appearance and the elevation facing towards Piccadilly

has the potential to appear rather monolithic, creating a large visual mass exacerbated by the proposed predominant material of dark grey brick. The set back of the upper two levels creates some interest. The windows will be recessed which will add an element of depth and visual interest to the elevations. The proposed windows would be deeply inset by 215mm. The appearance of the proposed hotel would not be out of character with the residential/office development in Piccadilly to the south. As part of the highway works at least 2 trees would be planted to the front of the proposed hotel which would help create some visual break of the frontage.

4.66 The plans show that that the predominately external finish would be a dark grey finish. The use of a dark grey brick to 6 storeys in height is not considered to be appropriate in this location and would potentially emphasise the mass and nondescript appearance of the hotel creating a flat/dead appearance. The Design and Sustainability Manager considers that whilst dark grey may not be acceptable there are a number of other colour alternatives that may be suitable. It is considered that the details of the materials can be sought via condition.

4.67 The vehicle and pedestrian access to the rear of the site would be gated it is considered necessary to condition details of the gate to ensure that the views through the site are retained.

4.68 The apertures to the compensatory flood storage area do not appear well integrated into the design to minimise their visual impact. It is considered that their number of openings could be reduced particularly on the front elevation. The Flood Risk Engineer confirmed this would not impact on the viability/usability of the flood storage. Further details can be sought via condition.

4.69 The proposed hotel building would result in an increase in the element of enclosure to Piccadilly however this is not considered to result in harm in this location.

4.70 The proposed hotel when viewed from across the river would be set back in to the site behind the proposed apartment block. The plans indicate trees and these can be sought via a condition. The Design and Sustainability Manager is satisfied with the appearance of the hotel from this Key View 16 and this is considered acceptable.

4.71 The main frontage of the apartments would face onto the river. Each flat would have an inset balcony and the elevation would be predominately full storey height glazing within storey height louvered screens, this elevation is considered to be visually interesting. To the north and south elevations would be winged windows facing the river. The two upper apartments would have a roof terrace that would be enclosed by an inset glazed balustrade and louver screens. Dark Grey brick is proposed to the side and rear elevations, and for the aforementioned reasons with the hotel it is also not considered to be appropriate for this building.

4.72 The proposed hotel has a large blank elevation to the rear facing the river frontage. It is considered if the apartment block was not constructed by virtue of its mass and lack of visual break it would result in harm to the visual amenity and character of the river setting and the wider York Eye area. In addition the construction of only apartment block would also result in harm. As such it is considered necessary to condition that both buildings are constructed at the same time so they can each provide screening of the blank elevations to the rear of the hotel and apartment block but also appears as a cohesive development.

IMPACT ON NEIGHBOURING USES

4.73 At the neighbouring Ryedale House, to the south, Prior approval consent has recently been granted for the use of the buildings as residential (16/02022/ORC). Works have not yet started and it is understood the site is currently for sale. To the north the buildings are currently being used on commercial basis.

4.74 The proposed apartment block would be a minimum of 9.5 metres from Ryedale house, however by virtue of the design of the windows in the proposed apartment elevation it is not considered to result in a loss of privacy to the occupants of either building. The windows in the side elevation of the proposed hotel rooms facing Ryedale House would be a minimum of 14 metres. However this is a city centre location and there are similar existing relationships between residential buildings in Piccadilly and its surroundings.

4.75 The proposed hotel and apartment building are not considered to result in harm to the amenity of the occupants of the site to the north. There are no windows in this elevation and it should not prevent the potential regeneration of the neighbouring site.

4.76 Within the application it is unclear as to the exact location of any service entrance for the proposed hotel. Given the proximity of the hotel building to the proposed new residential dwellings it is considered necessary that hours of delivery to the hotel area restricted to ensure that there would be no loss of amenity to the future occupants of the proposed apartment block due to noise associated with any deliveries.

NOISE

4.77 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, paragraph 123 and Policy GP1 of the Development Control Local Plan (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.

4.78 The proposed residential properties are to be located to the rear of the development away from the Piccadilly façade and towards the River Foss, with all windows to habitable rooms facing the River Foss rather than the rear of the hotel and towards Piccadilly. As a result noise levels detailed within the submitted noise assessment show that internal noise levels in the proposed apartments would comply with British Standard 8233:2014.

4.79 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".

4.80 Therefore ensuring (via condition) that building envelope is constructed to achieve a maximum internal noise level would reduce this potential. In the Noise Assessment the internal noise levels in the proposed hotel rooms are stated as being able to comply with internal levels in British Standard 8233:2014, if suitable glazing is provided.

4.81 No details are been provided of the plant or equipment, such as air conditioning units, kitchen extraction units etc, that will be provided within the proposed development. No external flues are shown on the plans, and external flue would require separate planning permission. The submitted noise assessment considers the existing background noise levels at the site in order to determine the representative daytime and night time background L90 levels. Analysis of the monitoring results established that the day time representative L90 (1 hour) level is 46dB(A) and that during the night time the representative L90 (15 minute) level is 38dB(A). It is considered that details of any machinery audible outside of the premises can be sought by condition together with mitigation measures

HIGHWAY IMPLICATIONS

4.82 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.83 No parking provision is proposed for the hotel. This is in line with other hotels that have been granted planning permission in the city centre. The proposed redevelopment of this site and adjacent sites will increase the footfall along Piccadilly and as such officers have negotiated and secured a proportionate improvement to adjacent public realm related to the development scheme being proposed. The works would be carried out to the cost of the applicant through

Agreement under S278 of the Highways Act 1980. Such improvements to the highway along the site frontage would consist of a reduction in the carriageway width of Piccadilly to 6-7m with the footway on the development site side being widened. A servicing/drop off bay will be provided within this widened footway area. The bay would be at grade and appear to be a wide footway with a reinforced area subtly demarcated for servicing when required. Policies SS3, SS5 of the Pre-Publication draft Local Plan (2017) require the upgrading of Piccadilly transport route. As other development sites along this section of Piccadilly come forward the public realm improvements will be extended.

4.84 Public Protection has requested facilities for the re-charging of electric vehicles. It is considered that this is in line with the NPPF and the Council's low emission strategy. It is considered that this can be sought via condition.

DRAINAGE

4.85 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises 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.

4.86 Information has been submitted regarding the proposed surface water drainage method and the Flood Risk Management Team are satisfied that an acceptable means of surface water drainage can be achieved; further details can be sought via condition. The foul water shall discharge to the Yorkshire Water Infrastructure (with the appropriate consents).

SAFE ENVIRONMENTS

4.87 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 PALO submitted a report showing that between that indicated there was a particularly high incidence of reported crime reported incidences of Anti Social behaviour in this locality.

4.88 Para 58 and 69 of the NPPF, states that development should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion,

4.89 The Police have expressed concern that the hotel would be attractive to hen and stag parties and exacerbate an existing problem of anti-social behaviour within York. The layout of the hotel, and the limited indicated facilities, would seem to

indicate that it would be towards the lower price range, although the lack of detail could be due to the lack of a hotel operator. However the layout and facilities could alter in the future. As previously mentioned it is considered unreasonable to condition the star rating of the hotel if the principle of a hotel is acceptable. Neither is considered reasonable to restrict who can use the hotel. Officers are not aware of any local study or evidence that indicates that the number and type of hotels are influencing anti-social behaviour. As such it is considered that refusing the planning application on the fear of crime from the customers of the hotel could not be reasonably defended at appeal.

4.90 The plans do not indicate if a bar is proposed. The application site is situated just outside the City of York Council's Cumulative Impact Zone. If a bar is proposed as the PALO states, outside the Planning regime any premises license granted may be subject requiring the installation of CCTV which may assist in addressing any issues immediately outside the building.

ECOLOGY

4.91 The application site lies within the Foss Corridor which is of regional importance. The River Foss is noted as a Site of Local Interest because of its wildlife interest and importance as a connecting green corridor. A Phase 1 Habitat Survey and bat survey has been undertaken on the site and no bat roosts were found. Bats are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 as amended. As bats are not present a European Protected Species Licence, and so the derogation tests are not required. The site is dominated by a large building and hardstanding, to the rear of which there is a thin strip of land. This land between the building and the river is very overgrown and could provide habitat for nesting birds. No sign of use by otter was found and there is no habitat for water vole. The majority of the building offers low risk bat habitat. In the proposals the north-west corner of the site is opened up to form a new garden space adjacent to the River Foss. The proposed garden and buildings will result in additional shade, noise and artificial light in this area. There are no ecological grounds to refuse this application.

SUSTAINABILITY

4.92 Policy GP4a 'Sustainability' of the Development Control Local Plan (2005) requires issues of sustainability to be considered within planning applications. The site is in reasonable proximity to the train station, and regular bus routes. There are only 2 parking spaces of the hotel provided on site and six spaces are provided for the apartment building however there are a number of public car parks in close proximity. 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 apartment building and the hotel would benefit from covered and secure cycle parking and the hotel.

The hotel cycle provision is lacks detail and not clear if it is feasible as such further details can be sought via condition.

4.93 Due to the scale of the development, according to York's Supplementary Planning Document on Sustainable Design and Construction, the hotel would be required to meet a BREEAM rating of Very Good. The supporting information indicates that the proposed development can achieve BREEAM very good and it is considered necessary to condition this to ensure it is undertaken. The apartments are below the 10 dwelling threshold of the Supplementary Planning Document on Sustainable Design and Construction.

5.0 CONCLUSION

5.1 The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning flooding and heritage assets, (Sections 10 and 12). The application site is within an area proposed for redevelopment and regeneration outlined in the 2005 and emerging draft Local Plans. The site is in a sustainable location. The site is within Flood Zone 3 would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential and exception tests (as set out above) and is acceptable when considered against national planning policy on flood risk, the sequential and exceptions tests are passed.

5.2 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There would be no harm to heritage assets or their setting.

5.3 As set out in section 4, the proposed development is not considered to result in harm to residential amenity or highway safety, not would the proposal have an unacceptable impact on ecology at or adjacent to the site.

5.4 Approval is recommended subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the following conditions.

1 TIME2 Development start within three years

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

received 24 November 2017;
Drawing Number 262(PL)007 Revision D 'Proposed Hotel Ground Floor Plan'
received 24 November 2017;
Drawing Number 262(PL)008 'Proposed Hotel First Floor Plan' received 23 February
2017;
Drawing Number 262(PL)009 'Proposed Hotel Second Floor Plan' received 23
February 2017;
Drawing Number 262(PL)010 'Proposed Hotel Third Floor Plan' received 23
February 2017;
Drawing Number 262(PL)011 Revision A 'Proposed Hotel Fourth Floor Plan'
received 24 August 2017;
Drawing Number 262(PL)012 Revision A 'Proposed Hotel Fifth Floor Plan' received
24 August 2017;
Drawing Number 262(PL)013 Revision A 'Proposed Hotel Roof Plan' received 24
August 2017;
Drawing Number 262(PL)014 Revision B 'Proposed Hotel North East Elevation'
received 03 November 2017;
Drawing Number 262(PL)015 Revision B 'Proposed Apartments & Hotel South East
Elevation' received 03 November 2017;
Drawing Number 262(PL)016 Revision B 'Proposed Hotel South West Elevation'
received 03 November 2017;
Drawing Number 262(PL)018 Revision B 'Proposed Apartments & Hotel North West
Elevation' received 03 November 2017;
Drawing Number 262(PL)019 Revision C 'Proposed Building Section' received 03
November 2017;
Drawing Number 262(PL)020 Revision B 'Proposed Site Sections' received 03
November 2017;
Drawing Number 262(PL)021 Revision A 'Elevation & Window Detail' received 24
August 2017;
Drawing Number 262(PL)026 'Proposed Apartments First Second and Third Floor
Plan' received 23 February 2017;
Drawing Number 262(PL)027 Revision A 'Proposed Apartments Top Floor Plan'
received 24 August 2017;
Drawing Number 262(PL)028 Revision A 'Proposed Apartments Roof Plan' received
24 August 2017;
Drawing Number 262(PL)029 Revision B 'Proposed Apartments SW Elevation'
received 24 August 2017;
Drawing Number 262(PL)030 Revision A 'Proposed Apartments NE Elevation'
received 24 August 2017;
Drawing Number 262(PL)031 Revision A 'Proposed Apartments NW Elevation'
received 24 August 2017;
Drawing Number 262(PL)032 Revision A 'Proposed Apartments SE Elevation'
received 24 August 2017;
Drawing Number 262(PL)034 'Proposed Hotel Front Elevation - Details' received 28
April 2017;
Drawing Number 262(PL)38 'Views from Clifford's Tower to St Deny's Church'

received 12 September 2017;

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used (including details of the balustrades, external steps ramp, windows, louvres etc) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Informative: The dark grey brick set out in the plans and elevations will be unlikely to be acceptable.

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

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument.

4 ARCH2 Watching brief required

5 No development shall take place until the applicant has submitted a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, to, and secured the approved in writing of, the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s). To ensure that the proposed development does not harm groundwater resources in line with paragraph 109 of the National Planning Policy Framework and the Environment Agency's Groundwater Protection: Principles and Practice.

6. Wet, organic archaeological deposits survive on this site which merit preservation in-situ. An archaeological programme of hydrological and water quality monitoring is required on this site to assess continued in-situ preservation. The archaeological programme shall comprises 4 stages of work. Each of the following stages shall be completed and submitted to and approved in writing by the Local Planning Authority.

- (i) No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall set out how appropriate hydrological and water quality monitoring will be introduced on the site and how it shall be assessed and reported at suitable intervals. The WSI shall conform to standards set by the Chartered Institute for Archaeologists.
- (ii) Installation of hydrological and water quality monitoring devices shall be completed in accordance with the programme set out in the WSI approved under part (i) of this condition. Details of when the monitoring device have been completed shall be submitted to and agreed in writing with the Local Planning Authority
- (iii) The evidence of provision for monitoring of and analysis and reporting on data from the hydrological and water quality monitoring devices for a period of 5 years, shall be submitted to and approved in writing by the Local Planning Authority at the intervals agreed in the WSI
- (iv) A copy of a report of the archaeological programme detailed in the WSI shall be submitted to the Local Planning Authority to be deposited with City of York Historic Environment Record. The report shall be submitted within six months of the completion of the monitoring period or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant undesignated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The effect on these deposits must be monitored. This condition is in accordance with Section 12 of NPPF and the latest guidance from Historic England on in-situ preservation of organic deposits and subsequent monitoring.

7 Prior to the first use of both the buildings as a hotel and apartments a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs of the landscaping to the River Foss/South West elevation and the trees to the front of the hotel/Piccadilly elevation shall be submitted to and agreed in writing by the Local Planning Authority.

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

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site. The River Foss/South West

elevation is prominent within the Central Historic Core Conservation Area and in key views from Clifford's Tower (ancient Scheduled monument); therefore details are required to ensure the planting is visually acceptable. Trees are required to provide a visual break of the proposed hotel building.

8 The development shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment by AAH Planning Consultants (Job reference 68801 dated October 2017) received 03 November 2017.

Reason: To ensure the development is safe from flood risk, in accordance with paragraph 103 of the National Planning Policy Framework. To ensure the compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants. To reduce the impact of flooding to the proposed development and future occupants.

9 The hotel building shall be constructed to a BREEAM 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 use (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 Part 10 of the NPPF.

10 Large scale details of the items listed below (including large scale part head and sill sections & elevation bay details including dimensions) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- (i) Hotel single punch hole windows and hotel multi storey punch hole windows to particularly show deep window reveals.
- (ii) Hotel typical interface at ground level and roof level and roof terrace level to show plinth and parapet details.
- (iii) Hotel main entrance area from the Piccadilly.
- (iv) Hotel projecting multi-storey oriel window facing River Foss
- (v) Residential car port including columns and soffit treatment
- (vi) Residential single punch hole windows to particularly show deep window reveals.

(vii) Residential typical interface at ground level and roof level and roof terrace level to show plinth and parapet details and to show limit of projection for solar panels and pop up access hatches.

(viii) Residential complex facade facing the River Foss including any balconies and louvre walls, solid wall & glazed infill panels. Also including covered colonnade to Foss.

Reason: The success of the design is significantly dependant on detailing & built quality so these are needed to avoid the proposed design intent from being watered down in execution. Some of the plans lack clarity so additional details are required so that the Local Planning Authority may be satisfied with these details and the appearance of the development. In the interests of the character and appearance of the conservation area. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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

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 to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut 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.

12 Details of all machinery, plant and equipment to be installed in or located on the premises, which are audible outside of the premises, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 46dB(A) L90 1 hour during the hours of 07:00 to 23:00 or 38dB(A) L90 15 minutes during the hours of 23:00 to 07:00 at 1

metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

13 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust 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.

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. Ideally 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. Such measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that 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. Ideally 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). Further information on suitable measures can be found in the dust guidance note produced by the

Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a 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 (i.e. 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. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the of the area and the occupants of the nearby buildings. The information is sought prior to commencement to ensure that the CEMP is initiated at an appropriate point in the development procedure.

14 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

15 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to and approved in writing by the Local Planning Authority. Once approved it shall be installed and fully operational before the prior to the first use of the hotel and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

INFORMATIVE: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any

proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of future residents and nearby properties.

16 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by 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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

17 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 prepared and 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. The remediation scheme shall take the archaeology of the site into consideration.

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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

18 Prior to first occupation or use of the hotel and apartments, the approved remediation scheme shall 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.

19 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be submitted to the writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report 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 A three pin 13 amp external electrical socket shall be provided for each of the eight car parking bays for the approved eight residential units. The sockets shall be located in a suitable position to enable the charging of an electric vehicle on each of the car parking bays 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. Where located externally 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 the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework

21 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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

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

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

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours. The submitted plans lack detail of the cycle parking provision, further details are required to ensure adequate cycle parking is provided.

24 HWAY19 Car and cycle parking laid out

25 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

(i) Narrowing of Piccadilly carriageway to 6m, widening of footway along site frontage and provision of servicing bay within the widened footway as shown on drawing 262(PL)006 Rev D.

Reason: In the interests of the safe and free passage of highway users.

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

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

27 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 Local Planning Authority. Such a statement shall include at least the following information;

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

Reason: To ensure that the development can be 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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

28 The hotel hereby approved 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 and the submitted Framework Travel Plan dated February 2017. The hotel shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the development hereby approved 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.

Reason: To ensure the development complies with local and national highways and planning guidance, 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.

29 Prior to the commencement of development details of what measures are to be provided within the design of the new buildings to accommodate bats shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards,

bat boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

30 Prior to the first use of the hotel and apartments 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, angle, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument. Night time illumination may potentially impact on the night time ambience of the conservation area. To ensure that the proposed development is not unduly prominent within conservation area and wider views of the city. On ecology grounds - to limit excessive light spill over the River Foss.

31 Upon completion of the development, delivery vehicles to the hotel shall be confined to the following hours:

Monday to Saturday 07:00 to 18:00
Sundays and Bank Holidays 09:00 to 17:00

Reason: To protect the amenity of local residents and businesses.

32 The hotel and the apartment building hereby approved shall be constructed at the same time.

Reason: To as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument. The proposed hotel has a large blank elevation to the rear facing the river frontage. It is considered if the apartment block was not constructed by virtue of its mass and lack of visual break it would result in harm to the visual amenity and character of the river setting and the wider York Eye area. In addition the construction of only the apartment block would also result in harm. As such it is considered necessary to condition that both buildings are constructed at the same time so they can each provide screening of the blank elevations to the rear of the hotel and apartment block but also appears as a cohesive development.

33 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 construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties. To ensure the boundary treatment is appropriate to the area. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

34 Notwithstanding the submitted plans, prior to the commencement of development the details of the openings/apertures to the compensatory flood storage area shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with these approved details.

REASON: In the interest of visual amenity. The apertures to the compensatory flood storage area are not well integrated into the design to minimise their visual impact. The number of openings could be reduced particularly on the front elevation without impacting on the viability/usability of the flood storage. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

35 Prior to the first use of the hotel and apartments details of the pedestrian and vehicle gate shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be constructed in accordance with these approved details.

Reason: as to achieve a visually cohesive appearance. To ensure that the gate is not a solid barrier and allows views into and through the site

36 Development shall not begin until details of 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.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the

application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Sought revisions to the proposed development
- Sought additional information
- Use of conditions

2. INFORMATIVE:

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

3. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

4. ENVIRONMENT AGENCY INFORMATIVE

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Foss, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

5. Informative - Nesting Birds

Application Reference Number: 17/00429/FULM

Item No: 4e

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website
http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx

6. 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 278 - highwaydc@york.gov.uk

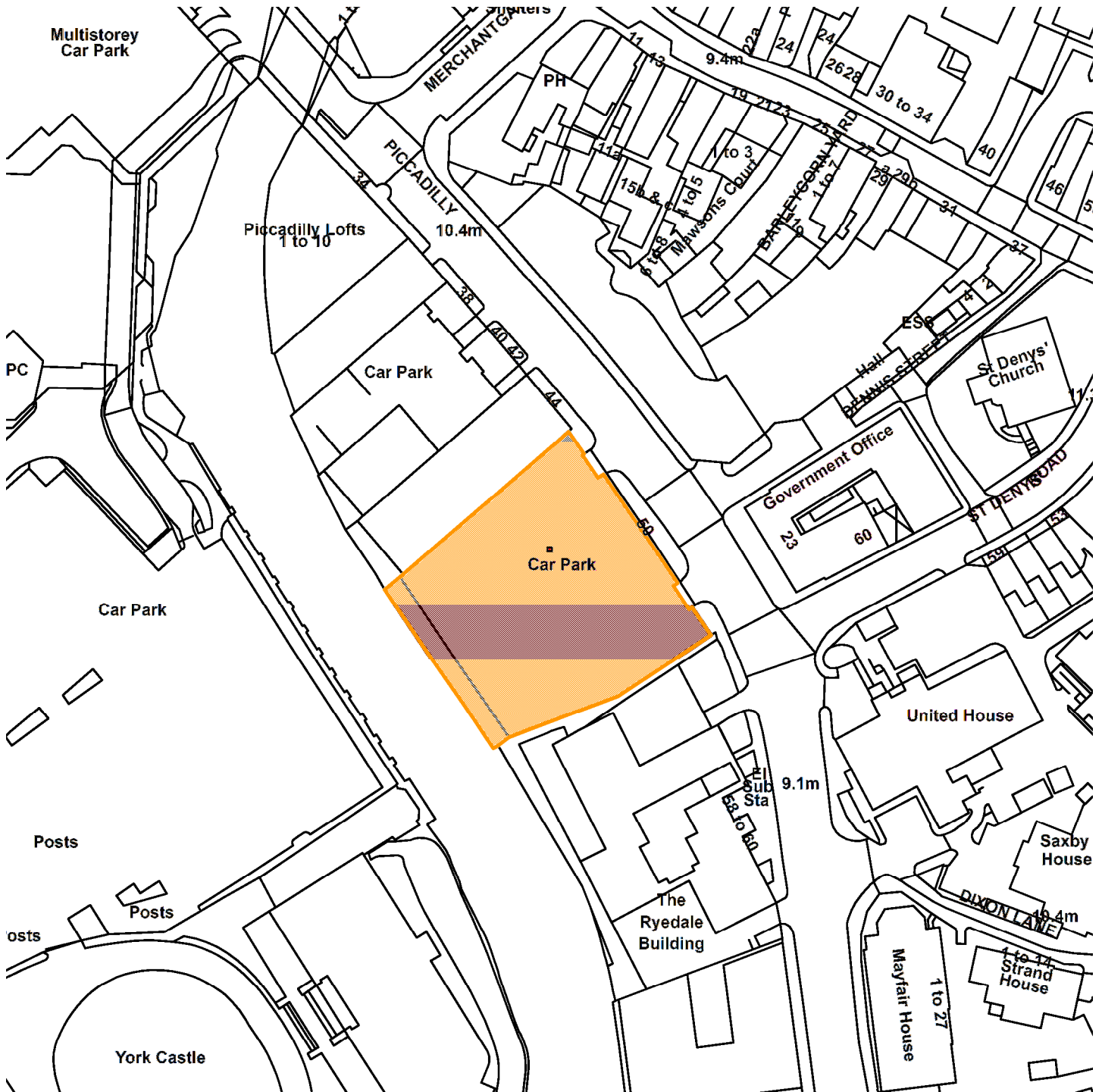
Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

17/00429/FULM

Proposed Hotel 46-50 Piccadilly



Scale : 1:1192

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 December 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 13th December 2017 **Ward:** Haxby And Wigginton
Team: Major and Commercial Team **Parish:** Wigginton Parish Council

Reference: 17/01876/FUL
Application at: Mercer And Challis Nursery Willow Lodge Sutton Road Wigginton York
For: Erection of shed for sorting of waste and storage of plant and machinery following the removal of existing polytunnels
By: Mr Nigel Jagger
Application Type: Full Application
Target Date: 12 October 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a shed following the demolition of polytunnels. The proposed shed would measure 24 metres by 18 metres, 5.1 metres to the eaves and 7.5 metres to the roof ridge. The proposed shed would be used for the storage of plant and machinery and secure sorting. The applicant states that the proposed shed would be used in association with a waste transfer station on the site.

1.2 The site is within the general extent of the Green Belt. The site is within Flood Zone 1.

1.3 The current business has 10 full time positions, 7 further Full Time positions are proposed,

1.4 RELEVANT SITE HISTORY

- 17/00521/AGNOT - Erection of agricultural building - Refused
- 16/02073/FUL - Construction of gated vehicle access following blocking up of existing access - Approved
- 15/00449/FUL - Erection of 1no. detached two storey dwelling to replace existing prefabricated dwelling (resubmission) - Approved
- 14/00261/FUL - Erection of 1no. detached two storey dwelling to replace existing prefabricated dwelling - Refused

- 13/03547/FUL - Erection of building for use in connection with waste transfer station - Approved
- 11/01471/CLD - Certificate of Lawful existing development for 3-bay polytunnel and pole barn - Approved
- 11/01470/CLD - Certificate of existing development for dwelling - Granted
- 10/02726/CLU - Use of land for landscaping contractors yard including recycling waste from contracting business, whereby (i.) a maximum of 100 ton waste has been handled within the site, 50 ton of which has been subjected to crushing and screening; (ii.) Types of waste being handled within the site are rubble, soil, wood, plastic, foliage and scrap metal; (iii.) a maximum of 450 ton waste is stored for crushing and screening at any one time. It is stored on ground as well as in skips and container; (iv.) 1 crushing and screening activity has been taking place per year, each of which last 3 days; (v.) the site has been in operation 4 hours per day, 6 days per week; (vi.) waste is manually sorted into skips and buildings before being mechanically handled; (vii.) the origin of waste imported into the site for the past 10 years is from landscaping, groundwork garden clearance and building jobs; (viii.) Products produced from the site are Type 1 crushed rubble, top soil, compost for planting and soil improvement, bark chipping for weed suppression and moisture retention; (ix.) after screening and crushing waste materials, the maximum time the remaining waste has been stored before being taken to landfill is 3 days. - Granted
- 10/02724/CLD - An engineering operation comprising of the creation of earth banks and a roundabout as shown in red on the attached plan 10/02724-A - Granted

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

CYSP2 The York Green Belt

CYSP3 Safeguarding the Historic Character and Setting of York

CYSP6 Location strategy

CYGP1 Design

CYGP4A Sustainability

CGP15A Development and Flood Risk

CYGB1 Development within the Green Belt

CYGP11 Accessibility

CYMW5 Waste Management Facilities

Pre-Publication draft Local Plan (2017):

Policy DP1: York Sub Area

Policy DP2: Sustainable Development

Policy DP4: Approach to Development Management

Policy SS2: The Role of York's Green Belt

Policy D1: Placemaking

Policy D2: Landscape and Setting

Policy GB1: Development in the Green Belt

Policy ENV2: Managing Environmental Quality

Policy ENV4: Flood Risk

Policy ENV5: Sustainable Drainage

Policy WM1: Sustainable Waste Management

2.2 Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No comments received

FLOOD RISK MANAGEMENT TEAM

3.2 No drainage details have been submitted, these can be sought via condition

PUBLIC PROTECTION

3.3 Note that the site is an existing waste transfer station; this will operate under a permit issued by the Environment Agency. The application appears to be for existing activities which take place in a polytunnel to be carried out in a purpose built building on the site. For this reason there will not be any new issues arising from the operation of the waste transfer station.

3.4 Request conditions for unexpected contamination together with an informative.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

WIGGINGTON PARISH COUNCIL

3.5 No objections

ENVIRONMENT AGENCY

3.6 No objections; would like the applicant to be aware of the following points to ensure that the operations are in compliance with their Environmental Permit: No

details are provided in the supporting documentation, for the specification of the floor. The environmental permit requires that this must be impermeable (i.e. a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the pavement surface). No discharge of liquids will be permitted apart from clean surface water from the roof. In the absence of a sealed drainage system or sump, an engineered lip or bund at the entrance to the building will be required to prevent liquid escaping from the building in the event of major spill, leak or a fire.

YORKSHIRE WATER

3.7 No comments received

FOSS INTERNAL DRAINAGE BOARD

3.8 No comments

KYLE AND UPPER OUSE DRAINAGE BOARD

3.9 No comments received

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.10 No representations were received within the consultation period or since.

4.0 APPRAISAL

KEY ISSUES

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Drainage
- Impact to residential amenity

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York relevant to this site comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around

York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out the Government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning green belt.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

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

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

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

EMERGING LOCAL PLAN

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

GREEN BELT STATUS OF THE SITE

4.7 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

4.8 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the emerging local plan (2017) designate the site as Green Belt.

4.9 The site and the wider area are identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. The site falls within the D1: extension of green wedge to west of Haxby and Wiggington. It is considered to be important for the following reasons: to retain the open approach, rural and historic setting of York adjacent to the B1363, and important approach road into the city.

4.10 The surrounding landscape is flat with large fields broken up by hedgerows. To the north of the site are fields. To the east is the B1363 to the other side of the road are fields and a farmstead. To the west is a playing field used by York City Football Club. The use of the land directly to the south is unclear from aerial photographs a number of ponds have been created, further south are fields.

4.11 Additionally, when the site is assessed on its merits it is concluded that it serves a number of Green Belt purposes, namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

4.12 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.13 In 2011 a Certificate of Lawful Development (10/02726/CLU) was issued for the following:

Use of land for landscaping contractors yard including re-cycling waste from contracting business, whereby (i.) a maximum of 100 ton waste has been handled within the site, 50 ton of which has been subjected to crushing and screening; (ii.) Types of waste being handled within the site are rubble, soil, wood, plastic, foliage and scrap metal; (iii.) a maximum of 450 ton waste is stored for crushing and screening at any one time. It is stored on ground as well as in skips and container; (iv.) 1 crushing and screening activity has been taking place per year, each of which last 3 days; (v.) the site has been in operation 4 hours per day, 6 days per week; (vi.) waste is manually sorted into skips and buildings before being mechanically handled; (vii.) the origin of waste imported into the site for the past 10 years is from landscaping, groundwork garden clearance and building jobs; (viii.) Products produced from the site are Type 1 crushed rubble, top soil, compost for planting and soil improvement, bark chipping for weed suppression and moisture retention; (ix.) after screening and crushing waste materials, the maximum time the remaining waste has been stored before being taken to landfill is 3 days.

4.14 As such it could be argued that the application site is previously developed. However the proposed building by virtue of its scale and mass would have a significantly greater impact on the openness of the Green Belt and the purposes of including land within the greenbelt than the previously approved/accepted use. Therefore the proposed development is not considered to fall within any of the exception criteria of paragraphs 89 and 90 of the NPPF

4.15 In addition when officers visited the site it did not appear to be a landscaping business with associated re-cycling of waste. However it did appear to be a waste transfer site, indeed this is how the applicant describes the development in their application. The applicant does not appear to have a landscaping contractors business but does have a demolition, plant hire and commercial recycling business. There is no record of a planning permission for a waste transfer site in this location. It is considered that the use of the site does not fall within the terms of the Certificate of Lawfulness. The material on site appeared to be building rubble, hardcore, road planings etc. It does not appear to be waste from a landscape contractors yard. The scale far exceeded that set out in the description of 10/02726/CLU. The existing use appears to be unauthorised, and the proposed building would appear to be associated with this unauthorised use of the land. From photographs it appears that the (current (unauthorised) use of the site has been for less than 10 years.

4.16 The applicant has been advised of the above, however no response has been received.

4.17 Consideration of the use of the land would require a new application. This current application is for the proposed building only, not the use of the land.

4.18 The fundamental purpose of Green Belt policy is keep land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposed building would result in harm to the openness and permanence of the greenbelt and is therefore considered to be inappropriate development in the Green Belt. The proposal gives rise to harm to the Green Belt by reason of inappropriateness which should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed from paragraph 4.24 of this report.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.19 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The advice in Chapter 7 is replicated in Draft Local Plan Policy GP1 (Design) and, therefore, this policy accords with the NPPF. Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.20 The proposed building would increase the extent of development on the site, in terms of mass and height. This close proximity to the existing building, in conjunction with the additional mass, would increase the dominance and presence of the built form on the land. This would have a negative impact on the visual amenity of the area as the site is readily visible. As such, the proposal would fail to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, contrary to advice in the NPPF and Draft Local Plan Policy GP1.

IMPACT TO RESIDENTIAL AMENITY

4.21 By virtue of the distance from the nearby dwellings it is not considered that the proposed building would result in disturbance or harm to residential amenity.

DRAINAGE

4.22 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises 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.

4.23 No details of the surface water drainage scheme were submitted as part of the application. However it is considered that an acceptable drainage scheme could be achieved and the details of this method could be sought via condition, if the development was considered to be acceptable.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

4.24 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt (and any other harm) so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt.

4.25 The applicant/agent has not put forward any considerations in favour of the development to outweigh the identified harm. The requirement for a building in association with an unauthorised use is considered to have no weight. Therefore, in light of the lack any benefits of the development identified by the applicant or by officers that would either individually or collectively clearly outweigh the harm, it is considered that the very special circumstances necessary to justify the proposal do not exist.

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine 2/3 of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.

5.3 It is not considered that there are countervailing benefits arising from the proposal that clearly outweigh the harm so as to amount to very special circumstances necessary to justify an exception to Green Belt policy.

6.0 RECOMMENDATION: Refuse

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

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

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:

- Written to the applicant to explain the planning status of the site
- Requested further information

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

Contact details:

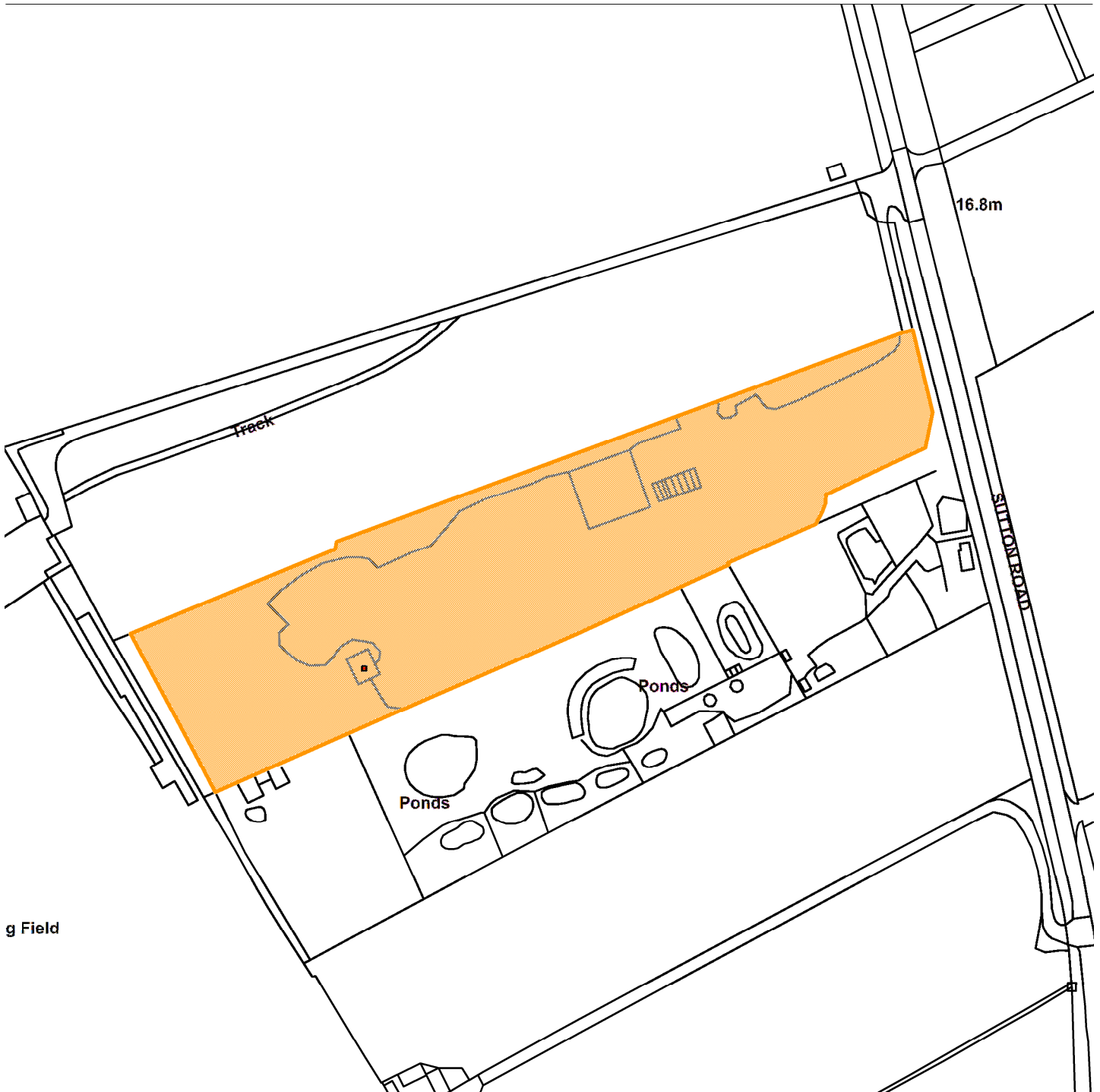
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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17/01876/FUL

Mercer And Challis Nursery Willow Lodge Sutton Road



Scale : 1:2230

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 December 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 13 December 2017 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** New Earswick Parish Council

Reference: 17/02283/FULM
Application at: Site Of Biorad Micromasurements Ltd Haxby Road York
For: Erection of new mental health inpatient unit
By: Tees, Esk And Wear Valleys NHS Foundation Trust
Application Type: Major Full Application (13 weeks)
Target Date: 5 January 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is the former Bio-Rad/Vickers site located off Haxby Road. The application proposes the erection of a new mental health inpatient unit including car parking and landscaping.

1.2 The application is submitted by the Tees, Esk and Wear Valley (TEWV) NHS Foundation Trust who provide a range of mental health and learning disability services around the Tees, Esk and Wear Valley. Existing services will be transferred from Peppermill Court, Meadowfields, Acomb Gables and Cherry Tree House. Previous facilities in York had been provided in Bootham Park Hospital, although this facility was closed to patients in 2015.

1.3 The site is a vacant and generally flat area of land off Haxby Road following demolition of the previous industrial manufacturing buildings. It has been vacant since 2008 where it previously was used for industrial by Vickers and Bio-Rad. It is located north of the St John's University Haxby Road Sports Pavilion and Playing fields. Further north is open space. Residential properties are situated to the East; however the River Foss and open space form a buffer between the site and these properties.

1.4 Substantial trees and bushes form a screen along the majority of the site's boundaries. There are three existing vehicular access point from Haxby Road with 'Millie Crux' bus stops on Haxby Road near to the site's entrances.

1.5 The site is located outside of the green belt boundary and any conservation area and is not within an Air Quality Management Area (AQMA). It is located within Flood Zone 1. There are a number of mature trees within the site with some covered by Tree Preservation Orders.

1.6 The proposals involve a purpose built 72 bed unit for persons requiring mental health care in the York area. The beds will be split into 4 separate care environments each providing 18 beds. Each bedroom will be en-suite. This will comprise of;

- 18 beds for adult male acute care
- 18 beds for adult female acute care
- 18 beds and associated facilities providing care for persons of older age with functional dementia
- 18 beds and associated facilities providing care for persons of older age with organic dementia

1.7 The facility is to provide short term acute mental health treatment which include;

- Adult Mental Health (AMH) acute inpatient services
- Mental Health Services for Older People (MHSOP) acute inpatient services
- Intensive Home Treatment (IHTT) team base
- Section 136 facilities
- Older Persons Crisis Intervention Service (OPCIS)
- Care Home Liaison
- ECT (Electro Convulsive Therapy) suite

1.8 These services are not considered to be specialist designation where there would be specific requirements for heightened perimeter requirement.

1.9 The proposed building comprises a two storey element to the front providing administration areas with all clinical and patient accommodation within the single storey areas to the rear. Each area will have access to landscaped areas between the accommodation.

1.10 The site covers approximately 2.85 hectares in area. The gross internal floor area (GIFA) of the new building is approx. 8260m²; the ground floor accommodation will provide 7038m² and the first floor accommodation will provide 1222m².

1.11 The application documents indicate that 225 full time equivalent clinical personnel and administrative support staff will be employed.

1.12 Access will be off Haxby Road, which currently has three access points into the site although only two will be retained. The access on the southern part will provide general and public access with the other access point being a service access. The car parking spaces will be allocated with 121 car parking spaces (including 8 disabled spaces, 4 electric vehicle spaces, 8 car share spaces 24 visitor spaces and 77 staff spaces). In addition there will be 30 secure cycle lockers for staff and eight Sheffield stands for 16 visitors.

RELEVANT PLANNING HISTORY

1.13 There is no relevant planning history for the application site.

Application Reference Number: 17/02283/FULM

Item No: 4g

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) MARCH 2012

2.1 See section 4 for more detail.

DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

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

2.3 The 2005 Draft Local Plan (DCLP) does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF, although it is considered that their weight is limited. Section 4 provides more detail regarding the DCLP policies relevant to the determination of this application.

EMERGING LOCAL PLAN

2.4 Consultation on a new pre-publication draft local plan and revised evidence base has recently been completed. (30th October 2017). A public consultation on the Publication version of the Local Plan is expected to start in February 2018.

2.5 The emerging Local Plan policies can only be afforded limited weight at the present time, given the stage that they have reached in the statutory process. The National Planning Policy Framework (paragraph 216) provides that weight may be given to relevant policies in emerging plans according to: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency with the Framework.

2.6 The site was originally considered for residential use through the site selection methodology evidence base which underpins the selection of preferred site allocations under draft policy SS1. The site is not supported for housing through the emerging Local Plan.

2.7 The site is allocated in the proposed sites allocation as 'HC2 Proposed Health Care Facilities'. Policy HW5: Healthcare Services specifically supports the 'Tees, Esk and Wear Valleys NHS Foundation Trust in the relocation of services previously provided at Bootham Hospital to a new site on Haxby Road, in order to provide the best patient care'.

2.8 The relevant policies set out in the pre-publication draft Local Plan (2017) include, but are not limited to:

D1: Placemaking
DP3: Sustainable Communities
SS1: Delivering Sustainable growth for York
GI2: Biodiversity and Access to Nature
GI3: Green Infrastructure Network
GI14: Tress and Hedgerows
ENV3: Land Contamination
T1: Sustainable Access

3.0 CONSULTATIONS

3.1 The application has been publicised by means of notification to statutory consultees and local residents. The consultation period expired on 15 November 2017 and the following comments have been received:

INTERNAL

FORWARD PLANNING

3.2 Supports the application for a new mental health facility, but suggests that advice is sought in relation to the design and layout of development.

3.3 The site was originally considered for residential use however it is not supported for housing through the emerging Local Plan. The site was shown to be within the River Foss Regional Green Corridor. Technical officers concurred that this designation may not preclude this site for development for hospital use subject to consideration for and enhancement of the green corridor.

3.4 Following the assessment against the Council's site selection methodology drawing upon the location principles underpinning draft policy SS1, the former Bio-Rad site is allocated within Policy HW5 for the Tees, Esk and Wear Valley NHS Trust in the latest pre-publication draft Local Plan (2017) and is therefore supported for this use.

PLANNING AND ENVIRONMENTAL MANAGEMENT (DESIGN, CONSERVATION AND SUSTAINABILITY)

3.5 Consider that the plan form is highly suited to this site with substantial hedges and trees to the site's boundary which will help minimise its visual impact on the green corridor. Generally the building is at single storey and two storey at most and therefore not highly prominent. The plan has a strong functional logic; circulation is composed as a concentric (arcs roughly parallel to the geometry of the body block)

and radial (spokes) network and segregates servicing areas from public areas and locates it in discrete places on the site.

3.6 The most public part is the cranked linear block which presents a terraced roof line of many pitched gables of slightly varied widths and heights above brick wall elevations with varied window positioning and decorative brick feature panels. The intention to create a friendly and reassuring aspect for visitors and patients through the use of domestic scale is achieved. Buildings to the rear are much more simple, with metal standing seam roofs and timber cladding, given a slightly agricultural character which sits comfortably in a highly green (although not rural) setting.

HIGHWAY NETWORK MANAGEMENT

3.7 Raises no objections to the levels of traffic generation or vehicular impact on the highways network. Amendments have been made to the levels of parking to reduce reliance on the private car and alterations to the northern access, to reinforce the prominence of the main (southern) access. The Highways Officer has requested contribution to the provision of shelters and real time BLISS displays at inbound/outbound bus stops adjacent to site and making good the footway/kerb to the redundant middle access.

WASTE SERVICES

3.8 Was consulted in respect of the proposal on 18 October 2017. No response has been received at the time of writing.

PUBLIC PROTECTION (PP)

3.9 Does not raise any objections by the proposal however there is concern that there is a lack of detail in respect to some aspects of the proposal, including noise, odour, plant and machinery, land contamination and air quality and low emissions. Conditions are recommended in order to ensure that the proposed development does not result in detrimental harm to the amenity of the area or local neighbouring residents.

FLOOD RISK MANAGEMENT TEAM

3.10 Does not raise any objection to the application in principle as a satisfactory and sustainable drainage scheme can be designed subject via conditions.

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE)

3.11 Objects to the identified felling of protected trees; there are significant trees around the boundary of the site with most of the trees on the east, south and

western boundaries that are covered by a Tree Preservation Order in addition to their location within the River Foss Regional Green Corridor.

PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY AND COUNTRYSIDE)

3.12 Advises that there are no statutory or non-statutory nature conservation sites within the zone of influence of the site that would be impacted by the development. The woodland areas around the River Foss, directly to the east of the site are identified as deciduous woodland Priority Habitat on the national inventory. Otter and water vole are known to use the River Foss. The areas of semi-natural grassland in this area north and east of the application site are being positively managed by York St Johns University.

3.13 Concern is raised about the potential impacts upon adjacent habitats from the loss of trees, semi-natural grassland and construction impacts. Further the ecology officer raises concern in respect to the proposed lighting scheme advising that the position of the lights on the wards closest to the boundary vegetation should be removed.

3.14 A bat activity survey recorded several species of bats using the site for foraging/commuting. The Arboricultural report identifies features in a number of trees that would provide potential roosting habitat for bats. To replace the loss of potential bat roosting habitats, bat boxes should be attached to the mature trees surrounding the site.

EXTERNAL

NEW EARSWICK PARISH COUNCIL

3.15 Supports the application

ENVIRONMENT AGENCY

3.16 Was consulted in respect of the proposal on 18 October 2017. No response has been received at the time of writing.

YORKSHIRE WATER

3.17 Does not raise any objections to the proposal subject to conditions detailing separate systems of drainage for foul and surface water.

POLICE DESIGNING OUT CRIME (DOC) OFFICER

3.18 Reports that the crime and anti-social behaviour levels within the site are considered to be relatively high. The DOC officer advises that there are a number of issues including boundary protection, CCTV and the management of car parks that have not been adequately addressed in the application and therefore a condition is recommended in order that the site is secured. However the DOC officer raises no concern in respect to the cycle storage areas and lighting scheme.

FOSS INTERNAL DRAINAGE BOARD

3.19 Does not raise any objections to the proposal subject to conditions. The Board has assets adjacent to the site in the form of River Foss; this watercourse is known to be subject to high flows during storm events.

NEIGHBOUR NOTIFICATION AND PUBLICITY

3.20 No letters of representation have been received.

4.0 APPRAISAL

4.1 Key Issues:-

- Principle of health facilities
- Design
- Highways
- Trees and Landscaping
- Environmental impacts (contaminated land)
- Environmental impacts (air quality/noise/odour)
- Flood risk/drainage
- Crime and Security
- Ecology

POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.2 Paragraph 17 sets out 12 core planning principles, four of which are relevant to this application.

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

4.3 Paragraph 56 states that 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.

4.4 Paragraph 70 of the framework requires planning policies and decisions to deliver social, recreational and cultural facilities and services the community needs. They should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.5 The following draft policies are considered to be of some relevance, in that they are in accordance with the principles of the NPPF, albeit they are given very little weight.

4.6 The provision of new community facilities are promoted through Policy C1 'Community Facilities', provided that it is of a scale and design appropriate to the character and appearance of the locality and that it would meet a recognised need.

4.7 New developments are required to respect or enhance the local environment in terms of density, layout, scale, mass and design and to ensure that residents living nearby are not unduly affected by noise and disturbance (Policy GP1) and have regard to the principles of sustainable development in accordance with Policy GP4a. New landscape features should utilise natural features to enhance ecological value (Policy GP9) whilst also achieving natural surveillance of public spaces and paths (Policy GP3).

4.8 Developers will be required to incorporate appropriate provision for additional traffic generated by the development and for pedestrian, public transport, and cycle access (Policies T4 and T7c) and should aim to reduce the dependence on the car (SP8).

4.9 Developments are also expected to be carefully designed and sited where they are adjacent to rivers to reduce flood risk and problems of flooding, erosion and pollution downstream by increasing surface water run off from impermeable surfaces or by reducing flood plain capacity (Policy GP15a).

PRINCIPLE OF HEALTH FACILITIES

4.10 The site currently was not proposed to be designated for any particular use within the DCLP (incorporating 4th set of changes). It has been vacant since 2008 with all buildings associated with the previous use as a manufacture of medical

instruments demolished. It is a previously developed (brownfield) site, with good access links to the City by both private and public transport. There is three existing vehicular access points off Haxby Road (albeit one will be made redundant) with bus stops nearby the site's entrances. The area is mixed in character, with the St John's University Nestle Rowntree Sports Park to the south, the north and east is generally open, with the nearest residential properties approximately 25m away.

4.11 The area is characterised by development that is generally low level, comprising of single or two storey developments. The building takes the form of a part single and part two storey building, with the majority of the development to be single storey. It is considered that the proposal would be of a scale appropriate to the character and appearance of the locality.

4.12 The facility will take the form of an impatient mental health facility, which requires operational and treatment areas, in addition to residential care accommodation. The need for a new mental health facility has arisen following the closure of Bootham Park Mental Health Hospital, which did not meet modern standards. The requirements for the new facility have been assessed through public consultation with the NHS commissioning group and in view of current demographic and future trends.

4.13 The site is allocated in the pre-publication draft local plan as a proposed location for health care facilities having been assessed against the Council's site selection methodology that underpins draft policy SS1 and is capable of being a material planning consideration. The use of the site for health facilities, given its location, size, and the proximity to neighbouring uses, the site is considered to be a sustainable location for a mental health facility. The development of the site for health care facilities is therefore supported in this location subject to consideration of and enhancement of the green corridor.

DESIGN

4.14 It is important to note that the options to reconfigure Bootham Park Hospital were explored, but ultimately unsuccessful. Modern best practice of delivering mental health is highly evolved and specialised, requiring spaces that are quite different to what is realistically possible at Bootham. The plan presented in this application is very similar to one tested at Bootham, and is approaching a model plan form, meaning the preferred design layout is nearly fixed irrespective of site, but subject to site specific tweaks.

4.15 The plans indicate expansion potential although this is limited; the practice of care treatment appears to be increasingly decentralised which could reduce the pressure for future expansion.

4.16 In respect to the plan form, the existing site is brownfield although set within a green corridor. The plan is well suited to the site with existing landscaping features

that will help to minimise its visual impact. Its design as a single storey, with two storey elements does not however result in a highly prominent building.

4.17 The site boundary treatment is a low level timber-and rail type which will help to blur the boundary between the inside and outside, and helping to reinforce the green corridor and create quality external green spaces. The building has been designed in such a way that the patient areas have an aspect to the outdoors to maximise patient contact with the outdoors and daylight for therapeutic purposes. The numerous private landscapes courtyard spaces will reinforce this providing direct access to patients.

4.18 In terms of the elevation and massing, the building achieves domestic and reassuring aspect for visitors and patients subject to conditions for the brick work detail and details of the front entrance facade.

HIGHWAY IMPLICATIONS

4.19 No objections are raised in respect to traffic generation or the impact of the vehicular access arrangements upon the highway. Amended plans have been submitted which addresses a number of concerns, including a reduction in the number of car parking spaces from 138 to 121 in total in order to meet an 80% mode share by car. It is noted that this is higher than the average number of parking spaces required on site during the busiest period (08:00-17:00), which equates to 109. The site has good transport connectivity and the proposals involve provision for other car modes to be provided for within the site including electric vehicle charging points and car sharing. It is not considered that the overprovision of car parking would justify refusal of the application and would not wholly undermine the aspirations and aims of the supporting travel plan.

4.20 The revised plans also include alterations to the northern access, to give the view that it is a secondary access as it will primarily to be used for emergency access and servicing. The southern access is to be used as the main access, for all vehicular traffic.

4.21 In addition, the highways officer has requested a Grampian condition to ensure that the existing bus stops on Haxby Road, adjacent the site, are upgraded with shelters being provided and real time BLISS displays and in addition, to highway improvement works following the reinstatement of the existing middle access.

TREES AND LANDSCAPING

4.22 The trees around the east, south, and west periphery of the site are subject to a tree preservation order. The trees contribute to the amenity of Haxby Road, and the university sports complex, and the open space associated with the river Foss - a green infrastructure corridor of regional significance. The trees also serve to screen the site from the adjacent publicly accessible open space, and properties that are

located close to the east back of the river. Direct views of the trees are limited from the Foss walkway, which runs at a lower level with rows of other intervening trees alongside the top of the bank.

4.23 The vast majority of the trees are category C trees - of low quality and value, largely due to their weakened, multi-stemmed form due to historical lopping, and/or their suppressed or misshapen form resulting from competition with neighbouring trees. There are occasional higher value trees, but the overarching value of all the trees is as a group, and in the quantity of canopy cover they provide.

4.24 The site is very tight for the proposed development. As a consequence a significant number of mature trees would be removed from the eastern boundary to enable the development.

4.25 The scheme is well intentioned in retaining the vast majority of the existing trees along the remaining south, south-west and western boundaries.

4.26 Unfortunately due to the tight working area, a number of the retained trees (namely in the south east corner) would be put at high risk of damage due to various construction and development operations which fall within the recommended root protection area of the trees, including buildings, drainage runs, and haulage/maintenance/pedestrian routes, and perimeter fencing, in addition to potential setting out creep. Therefore it is likely that there would be additional premature tree loss. Methods of reducing risk to the existing trees have been illustrated on the plans.

4.27 There is limited scope for compensatory planting along the eastern boundary due to the tightness of the site and the drainage compound, runs, and easements. The loss of trees is contrary to local planning policy, however the overall benefit of the development may be considered to outweigh the harm.

4.28 The building arrangement creates a series of tight courtyards around the core of the building; then a series of semi-enclosed gardens between the various accommodation arms of the building; thus the vast majority of rooms have views on to some type of outdoor/green space. The spaces created by the wings (some subdivided) are of a reasonable size and spatial quality - each one given its own identity. The scheme includes native planting to the perimeter, and more ornamental planting within the courtyards/gardens, including an attractive range of herbaceous plants.

ENVIRONMENTAL IMPACTS (CONTAMINATED LAND)

4.29 The site was previously subject to industrial use, as an instruments factory from the 1930s until 2008. This type of use could have given rise to land contamination. Testing has been carried out of 5 boreholes. The applicant's land contamination report indicates that there is no visual evidence of significant ground

contamination within any of the boreholes, however no soil sampling or contaminated land risk appear to have been carried out.

4.30 A condition shall be imposed requiring a site investigation to establish whether contamination is present within the site. If contamination is found, conditions shall ensure that appropriate remedial action will be required to ensure that the site is safe and suitable for the proposed use as an inpatient mental health facility.

ENVIRONMENTAL IMPACTS (AIR QUALITY/NOISE/ODOUR)

4.31 The site of the proposed unit is located approximately 65 metres away from the boundary of the nearest residential property boundary, at the north of the site, with York St John University sports fields immediately to the south (at a distance of approximately 25 metres).

4.32 The main concern arises from possible noise associated from the use of the adjacent sports field, which can be used up until 22:00hours. However given the distance and the position of the residential part of the facility which will primarily be positioned further within the site to the north and behind the clinical areas, it is likely that the internal noise levels in the proposed facility would be capable of achieving necessary World Health Organisation standards with noise insulation measures that can be secured via condition.

4.33 Each ward will have its own kitchen and a cafe will be provided in the main entrance. It is anticipated that there will be a number of cooking extraction equipment and air conditioning to serve the kitchens and the residential areas. No details have been provided as to the extent of associated mechanical plant and their possible impacts in terms of noise and odour. A condition shall require a report in order to assess the cumulative impacts from any mechanical plant so that they do not adversely affect the amenity of neighbouring properties.

4.34 Given the extent of the site and the possible impacts from the site's redevelopment a condition shall secure a construction environmental management plans (CEMP) in order to control and minimise any noise or vibration that may impact upon local residents from the construction works. A further condition shall control the construction hours.

FLOOD RISK/DRAINAGE

4.35 The site is located within Flood Zone 1 where there is a low risk of flooding, however it is noted that the site is larger than a hectare. The site is also located adjacent to the River Foss, on the eastern boundary which is subject to high flows and is the principal source of flood risk to the site. The information provided within the application is indicative, however the Council's Flood Risk and Management

Team are satisfied that from the information provided, a drainage scheme for both foul and surface water can be developed.

CRIME AND SECURITY

4.36 An analysis of crime and anti social behaviour within the vicinity of the site over a twelve month period (from 10 October 2016 to 30 September 2017) indicates that there were 104 crimes and 77 anti-social behaviour incidents recorded.

4.37 The main issue that the Secured by Design officer considers has not been adequately addressed is secure boundary protection. Secured by Design Hospitals 2005 recommends that hospital sites should be fully enclosed with secure boundary treatments to a minimum height of 2m. However, this has to be balanced with ensuring that the site has good levels of natural surveillance, which is achieved on the western boundary (Haxby Road frontage) and the security levels for each of the private courtyards and distances to neighbouring properties. On the northern and eastern boundaries the water course acts as a deterrent. There are a number of courtyard areas that do not have secure boundary treatments and therefore parts of the building are vulnerable to criminal attack. A condition shall require full details of all boundary protection, for the perimeter of the site and also for the courtyard areas.

4.38 The Secured by Design officer raises concern that there is a lack of overlooking of staff car park from 'active rooms' within the hospital. CCTV is recommended to cover both car parking areas and shall be conditioned. The plans do however indicate a pedestrian access between the application site and the adjacent University playing fields; it is not clear what the purpose of this access seeks to achieve and may have further security implications on the proposed mental health facility as well as the University playing fields.

ECOLOGY

4.39 The site is surrounding by important areas for habitats which have been proactively managed by surrounding land owners to encourage the biodiversity in the area. The loss of trees and self sown scrub does provide habitat for wildlife. The ecology officer does not raise any objections to the proposals subject to conditions to ensure that any trees lost are replaced and replacement nesting boxes around the site. The lighting scheme has been identified as a concern; given its close proximity to the boundary vegetation. It is appreciated that lighting is required for security purposes and a condition shall be imposed for a lighting scheme to be submitted to enable light spill and other details such as the contour plans to be submitted and a mitigation strategy for the lights that have the most impact upon wildlife.

4.40 There are no known bat roosts within the application site. A bat activity survey and an assessment of mature trees was undertaken, although due to the trees being in full leaf a detailed inspection of each one to be removed was not made.

Therefore there is a residual of bats being impacted by arboricultural works and conditions are imposed to mitigate any harm to them. As such, the three 'derogation tests' under the Habitats Directive do not need to be considered.

5.0 CONCLUSION

5.1 The former Bio-rad/Vickers site has been vacant for nearly 10 years; it offers good transport links including public transport modes and is located sufficiently away from main residential conurbations where any impacts from the proposed development will be limited. However, it is located within the River Foss Regional Green Corridor, and whilst there will be some impact upon local wildlife; there are opportunities to ensure the development enhances the local habitats.

5.2 Whilst carrying little weight at this stage, the site is allocated in the pre-publication draft local plan (2017) as a suitable location for health facilities (HC2). It has no designation for any specific use in the DCLP (incorporating 4th set of changes); however the provision of the site for a mental health facility does meet an identified need following the closure of Bootham Park Hospital. Even without the allocation in the emerging plan, when assessed against the site selection methodology evidence base which underpins the selection of preferred site allocations under draft policy SS1 the use of the site for health facilities, given its location, size, and the proximity to neighbouring uses, the site is considered to be a sustainable location for a mental health facility. 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 and other submitted details:-

YIP-PHS-EX-00-DRA-90-002 P3 Site plan

YIP-PHS-EX-RL-DR-A-90-001 P1 OS PLAN

YIP-BGP-00-00-DR-C-0001 DRAINAGE LAYOUT

YK5479-M-001 A SITE ACCESS ARRANGEMENT

YIP-PHS-XX-ZZ-DR-A-20-103 P1 PLANNING ELEVATIONS

YIP-PHS-XX-ZZ-D-A-20-102 P1 PLANNING ELEVATIONS

YIP-PHS-XX-ZZ-DR-A-20-101 P1 PLANNING ELEVATIONS

YIP-PHS-XX-ZZ-DR-A-00-105 P2 GROUND AND FIRST FLOOR PLAN

YIP-PHS-XX-RL-DR-A-27-101 P1 ROOF PLAN

YIP-C21-B-01-DR-M-309 P01 PROPOSED MECHANICAL SERVICES
FUNCTIONAL WARD ROOF WALKWAY
DOMESTIC WATER SERVICES

	GENERAL ARRANGEMENT LAYOUT
YIP-C21-B-00-DR-M-303 P01	PROPOSED MECHANICAL SERVICES FUNCTIONAL WARD ROOF WALKWAY DOMESTIC WATER SERVICES GENERAL ARRANGEMENT LAYOUT
YIP-C21-A-02-DR-M-513 P02	PROPOSED MECHANICAL SERVICES ADMIN BLOCK ROOF LEVEL ABOVE GROUND DRAINAGE 1 OF 2
YIP-C21-A-02-DR-M-514 P02	PROPOSED MECHANICAL SERVICES ADMIN BLOCK ROOF LEVEL ABOVE GROUND DRAINAGE 2 OF 2
YIP-C21-A-01-DR-M-508 P02	PROPOSED MECHANICAL SERVICES ADMIN BLOCK FIRST FLOR ABOVE GROUND DRAINAGE SERVICES LAYOUT 2 OF 2
YIP-C21-A-00-DR-M-301 P01	PROPOSED MECHANICAL SERVICES GROUND FLOOR ADMIN BLOCK 1 OF 2 DOMESTIC WATER SERVICES GENERAL ARRANGEMENT LAYOUT
YIP-C21-A-00-DR-M-302 P01	PROPOSED MECHANICAL SERVICES GROUND FLOOR ADMIN BLOCK 2 OF 2 DOMESTIC WATER SERIVCES GENERAL ARRANGEMENT LAYOUT
YIP-C21-A-01-DR-M-307 P01	PROPOSED MECHANICAL SERVICES GROUND FLOOR ENTRANCE AND PLANT DOMESTIC WATER SERVICES GENERAL ARRANGEMENT AND LAYOUT
YIP-C21-A-01-DR-M-308 P01	PROPOSED MECHANICAL SERVICES GROUND FLOOR ENTRNACE DOMESTIC WATER SERIVCES GENERAL ARRANGEMENT LAYOUT
YIP-C21-C-01-DR-M-510 P02	PROPOSED MECHANICAL SERVICES ORGANIC WARD ROOF LEVEL

ABOVE GROUND DRAINAGE SERVICES
LAYOUT

YIP-C21-C-01-DR-M-310 P01 PROPOSED MECHANICAL SERVICES
ORGANIC WARD ROOF WALKWAY
DOMESTIC WATER SERVICES
GENERAL ARRANGEMENT LAYOUT

YIP-C21-C-00-DR-M-304 P01 PROPOSED MECHANICAL SERVICES
GROUND FLOOR ORGANIC WARD
DOMESTIC WATER SERVICES
GENERAL ARRANGEMENT LAYOUT

YIP-C21-B-01-DR-M-509 P02 PROPOSED MECHANICAL SERVICES
FUNCTIONAL WARD
ROOF LEVEL
ABOVE GROUND DRAINAGE SERVICES
LAYOUT

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

3 All demolition and construction 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.

4 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development), have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same;

* Provision of shelters and real time BLISS displays at inbound/outbound bus stops on Haxby Road adjacent to site

Reason: In the interests of the safe and free passage of highway users.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Design considerations.

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

Onsite assessment carried out under BRE Digest 365 on the 29th November 2017 proved that infiltration methods of surface water disposal are unsuitable in this location therefore In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 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.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above.

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

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

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

7 Prior to the commencement of the construction of the development, a detailed scheme of noise insulation measures for protecting the residential occupiers of the development from external noise sources shall be submitted to and approved in writing by the Local Planning Authority. 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 LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of the residential occupiers of the building.

8 Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) outlining how the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be minimised 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.

NOTE: 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. Ideally 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. In addition I would anticipate that 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. Ideally 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 artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a 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 (i.e. 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. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of local residents during demolition, site preparation and the construction of the development.

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

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

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

of the area

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

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

11 Prior to the commencement of 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.

12 Prior to the commencement of 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) must be prepared and is subject to the approval in writing of 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.

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

13 Prior to the use of the facility hereby approved, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

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

report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

15 Prior to the operation of the mental health facility hereby approved, a plan showing the location of the three Electric Vehicle Recharging Points shall be submitted and approved in writing to the Local Planning Authority. The three Electric Vehicle Recharging Points shall be installed as shown on the approved plans. Within 3 months of the first occupation of the facility, an Electric Vehicle Recharging Point Maintenance Plan detailing the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point covering a period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The three Electric Vehicle Recharging Points shall be maintained and operated in accordance with the details provided within the Electric Vehicle Recharging Point Maintenance Plan.

Note: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. This ties in with a key theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'.

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

16 Prior to the commencement of development, scaled plans and part elevation/sections of the front facade including the brick patterns/bonds shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the design intent is carried through to adequate built resolution.

17 Prior to the commencement of the construction of the development, details to show how the building will incorporate hanging gutters and downpipes for each part

of the development shall be submitted and approved in writing by the Local Planning Authority. The building shall be constructed using these approved details.

Reason: the design of the whole building deliberately abstracts and simplifies traditional architectural forms into exaggerated and modelled domestic and agricultural shapes eschewing traditional domestic detailing like gutters and downpipes and this is a contributor to the design's success. This is not easy to detail and so can easily be design-engineered out in construction unless specifically monitored through condition.

18 Prior to the commencement of the construction of the development, scaled details of the freestanding entrance feature shall be submitted and approved in writing by the Local Planning Authority. The entrance feature shall be constructed using these approved details.

Reason: to ensure the building and entrance feature is elegantly carried through to construction.

19 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of sufficient size for all external building materials the external materials shall be submitted to and approved in writing by the Local Planning Authority prior to the start of the relevant work area. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

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

Reason: So as to achieve a visually cohesive appearance.

21 Prior to the commencement of development, 3 woodcrete bat boxes (i.e. 2F Schwegler) shall be installed in nearby mature trees by an ecologist, and 6 hard wood bird nest boxes shall be installed within the application site.

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

22 Details of all means of enclosure to the site boundaries, private courtyards and service areas shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

23 Notwithstanding what is shown on the approved plans, a lighting scheme including the position of all external lights, their luminance levels and contour plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall install lighting in accordance with the approved lighting scheme.

Reason: To ensure the development reduces opportunities for crime.

24 Prior to the commencement of the construction of the development, a scheme for CCTV covering the car park areas including details as to how it will be compatible with the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall install CCTV in accordance with the approved details.

Reason: To ensure the development reduces opportunities for crime.

25 Notwithstanding what is shown on the approved plans, no pedestrian or any other access shall be provided between the southern boundary of the application site and the St John's University Haxby Road playing fields.

Reason: In the interests of safety and management of the site.

26 Notwithstanding what is shown on the approved plans, prior to the construction of the development, a scheme for both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the hard and soft landscaping schemes.

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

27 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be

submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved 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 paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

28 Prior to the operation of the mental health facility hereby approved, a plan showing the location of storage lockers for 30 staff cycles and the location of the Sheffield cycle stands for 10 visitor cycle spaces shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage lockers and cycle stands shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to promote sustainable transport other than the car.

29 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable. It will also include details of ground preparation. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the landscape scheme, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

30 Before the commencement of development including demolition, excavations, building operations, an Arboricultural 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. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types 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 stored materials, locations and means of installing utilities, location of site compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the

root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant

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

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

32 HWAY10 Vehicular areas surfaced, details reqd

33 HWAY13 Access to be improved

34 The development shall not operate until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the existing vehicular access to Haxby Road between the proposed Northern and Southern access points to match adjacent levels.

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

35 HWAY18 Cycle parking details to be agreed

36 HWAY19 Car and cycle parking laid out

37 HWAY21 Internal turning areas to be provided

38 Prior to each phase of the development commencing 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 Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted

- a scheme for signing the promoted construction traffic routing

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.

39 The development hereby approved shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan. 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.

Reason: To ensure the development complies with local and national highways and planning guidance, 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.

7.0 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, 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. The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

3. The applicant should be advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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:

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

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

6. 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

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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

7. All contractors involved in arboricultural works or the felling of trees on site to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats;

- Wherever possible, work should be carried out between late August and early October or between March and April.

- Immediately prior to works the trees should be inspected by a suitably qualified ecologist.

- Where bat roost potential exists work should be conducted in a sensitive manner, using a 'soft felling' technique where the tree is carefully dismantled in sections and each section slowly lowered to the ground to leave the habitat intact, left for 48 hours and then carefully examined for the presence of bats before removal.

- In the unlikely event that bats are discovered when branches are removed or trees felled (particularly in winter), work must stop immediately and Natural England or the Bat Conservation Trust contacted. Advice will be given on how to proceed, including collecting up any bats with gloved hands and putting them into a bat box, if appropriate.

8. 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: Lindsay Jenkins

Tel No: 01904 554575

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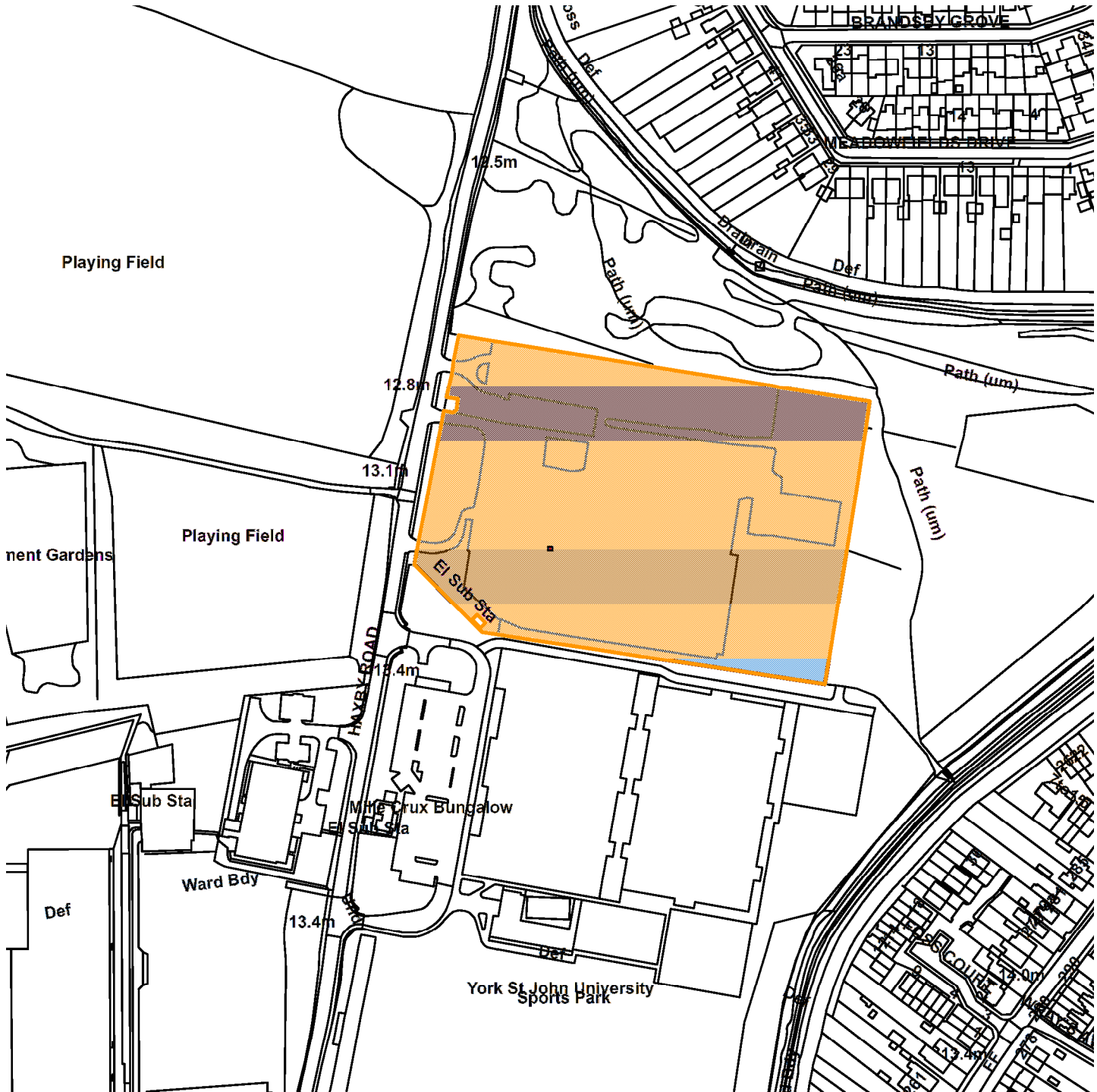
Item No: 4g

Site Of Biorad Micromasurements Ltd Haxby Road

17/02283/FULM



GIS by ESRI (UK)



Scale : 1:2809

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	04 December 2017
SLA Number	Not Set

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Planning Committee

13 December 2017

Area Planning Sub Committee

30 November 2017

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2017, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government propose to use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this will be based on the number of decisions that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
- 3 The tables below include all types of appeals such as those against refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 July to 30 September 2017 and the corresponding quarter for 2016, Table 2 shows performance for the 12 months 1 October 2016 to 30 September 2017 and the corresponding period 2015-2016.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/07/17 to 30/09/17 (Last Quarter)	01/07/16 to 30/09/16 (Corresponding Quarter)
Allowed	2	3
Part Allowed	0	1
Dismissed	9	9
Total Decided	11	13
% Allowed	18%	23%
% Part Allowed	-	8%

Table 2: CYC Planning Appeals 12 month Performance

	01/10/16 to 30/09/17 (Last 12 months)	01/10/15 to 30/09/16 (Corresponding 12 month period)
Allowed	9	4
Part Allowed	3	1
Dismissed	31	30
Total Decided	43	35
% Allowed	21%	11%
% Part Allowed	7%	3%

Analysis

- 4 Table 1 shows that between 1 July and 30 September 2017, a total of 11 appeals were determined by the Planning Inspectorate. Of those, 2 were allowed (18%). None related to a “major” development. By comparison, for the same period last year, out of 13 appeals 3 were allowed (23%), 1 was part allowed (8%). Using the assessment criteria set out in paragraph 2 above, 0.4% of the total decisions made in the quarter were overturned at appeal.
- 5 For the 12 months between 1 October 2016 and 30 September 2017, 21% of appeals decided were allowed, which is below the national percentage figure of 33% of appeals allowed, but up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.5% of the total decisions made in the 12 month period were overturned at appeal.
- 6 The summaries of appeals determined between 1 July and 30 September 2017 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are

included with each summary. In the period covered one appeal was determined following a decision at sub-committee/committee.

Table 3: Appeals Decided 01/07/2017 to 30/09/2017 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/02700 /FUL	30 Southfield Close Rufforth	Removal of hours of construction condition	Approve	Allowed

- 7 The list of current appeals is attached at Annex B. There are 8 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 8 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

- 9 This is an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 10 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

- 11 Financial – There are no financial implications directly arising from the report.
- 12 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 15 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 16 That Members note the content of this report.

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

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 21.11.2017

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

**Annex A – Summaries of Appeals Determined between 1 July and
30 September 2017**

Annex B – Outstanding Appeals at 21 November 2017

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Outstanding appeals

Officer: Alison Stockdale						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
11/10/2017	17/00036/REF	APP/C2741/D/17/3181661	H	53 The Avenue Haxby York YO32 3EJ	Two storey side and rear extensions and single storey rear extension	
Officer: Carolyn Howarth						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension	
Officer: David Johnson						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
01/11/2017	17/00038/REF	APP/C2741/X/17/3176205	W	31 Blossom Street York YO24 1AQ	Certificate of lawfulness for use as a House in Multiple Occupation for up to 4no. occupants within Use Class C4	
Officer: Erik Matthews						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
29/09/2017	17/00035/REF	APP/C2741/W/17/3180738	I	Proposed Dwelling To The South Of Mayfields Dauby	Erection of 1no. agricultural/horticultural workers dwelling	
Officer: Esther Priestley						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
29/09/2016	16/00041/TPO	APP/TPO/C2741/5453	W	Two Oaks 39 York Road Strensall York YO32 5UB	Fell Oak tree (T1) protected by Tree Preservation Order No.: 1975/1	
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15	
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15	

Officer: Jonathan Kenyon					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
13/06/2017	17/00029/NON	APP/C2741/W/17/3177821	P	British Sugar Corporation Ltd Plantation Drive York	Outline application for the development of the site comprising up to 1,100 residential units, community uses (D1/D2) and new public open space with details of access (to include new access points at Millfield Lane and Boroughbridge Road and a new link road, crossing the Former Manor School Site) and demolition of the Former Manor School buildings (duplicate application)
Officer: Matthew Parkinson					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
Officer: Sophie Prendergast					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
16/08/2017	17/00032/REFL	APP/C2741/Y/17/3178115	W	Railway Station Station Road York	Display of non illuminated sign on wall of gentlemen's toilet block at the end of Platform 2
Officer: Victoria Bell					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
15/08/2017	17/00031/REF	APP/C2741/W/17/3179382	W	Dutton Farm Boroughbridge Road York	Erection of 1no. dwelling with associated landscaping and access following the demolition of existing barn
Total number of appeals: 11					