



**Notice of a public meeting of
Area Planning Sub-Committee**

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Flinders, Gillies, Hunter, Mercer and Orrell
- Date:** Thursday, 5 April 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

The mini-bus for Members of the Sub-Committee will leave from Memorial Gardens at 10.00am on Wednesday 4 April 2018

1. Declarations of Interest

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

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

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

2. Minutes

(Pages 5 - 10)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 8 March 2018.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact

details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 4 April 2018**.

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4. Plans List

To determine the following planning applications:

- a) Fishergate Primary School, Fishergate** (Pages 11 - 20)
[18/00051/GRG3]
Erection of two storey extension with single storey link to existing building, together with formation of new openings at ground floor providing play area and first floor nursery accommodation [Fishergate Ward] **[Site Visit]**
- b) Fishergate Primary School, Fishergate** (Pages 21 - 28)
[18/00052/LBC]
Erection of two storey extension with single storey link to existing building together with formation of new openings at ground floor providing play area and first floor nursery accommodation [Fishergate Ward] **[Site Visit]**

c) **Manor Farm, Elvington Lane [18/00041/FULM]** (Pages 29 - 40)
Erection of replacement agricultural building for storage of grain, fertilizer and machinery [Osballdwick and Derwent Ward]

d) **Village Green, Osballdwick Village [17/02562/FUL]** (Pages 41 - 48)
Replacement of 2 bridges over Osballdwick Beck, Village Green, Osballdwick, York [Osballdwick And Derwent Ward] **[Site Visit]**

e) **Plot 1B White Rose Close, Nether Poppleton [18/00021/FULM]** (Pages 49 - 62)
Erection of two storey vehicle dealership building comprising of showroom, workshop facilities and associated car parking [Rural West York Ward] **[Site Visit]**

5. Urgent Business

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

Democracy Officer:

Angela Bielby

Contact details:

- Telephone – (01904) 552599
- Email a.bielby@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 4 April 2018**

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

| TIME (Approx) | SITE | ITEM(S) |
|--------------------------|--|----------------|
| 10:15 | Fishergate Primary School, Fishergate | 4a & 4b |
| 10:50 | Village Green, Osbaldwick Village | 4d |
| 11:25 | Plot 1B White Rose Close, Nether Poppleton | 4e |

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Abbreviations commonly used in Planning Reports

(in alphabetical order)

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

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

City of York Council

Committee Minutes

| | |
|-----------|---|
| Meeting | Area Planning Sub-Committee |
| Date | 8 March 2018 |
| Present | Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon [until item 4b], Craghill, Crawshaw, Flinders, Gillies, Hunter and Orrell |
| Apologies | Councillors Carr and Mercer |

| Site | Visited By | Reason |
|---|--|--|
| Archbishop Of York Church Of England Junior School Copmanthorpe Lane Bishopthorpe | Councillors Galvin, Shepherd, Crawshaw, Cannon and Flinders | As the recommendation was to approve and objections had been received. |
| Scarborough Bridge (Earlsborough Terrace) | Councillors Galvin, Crawshaw and Cannon | As the recommendation was to approve and objections had been received. |

36. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Flinders declared an interest in the Scarborough Bridge application (item 4b), as an employee of Network Rail, the applicant.

Cllr Gillies declared a personal non-prejudicial interest in the Scarborough Bridge application (item 4b), because, as Executive Member for Transport and Planning he had sat on the West Yorkshire Transport Fund for which a sum of money had been given to the Scarborough Bridge project.

No further interests were declared.

37. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 7 February 2018 be approved and then signed by the Chair as a correct record.

38. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

39. 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.

39a. Archbishop of York Church of England Junior School, Copmanthorpe Lane, Bishopthorpe, York, YO23 2QT (17/02749/FUL)

Members considered a full application by City of York Council for the erection of a 1.8m high metal mesh boundary paladin fence at Archbishop of York Church of England Junior School, Copmanthorpe Lane, Bishopthorpe, York.

An officer update was given. Members were informed that a further objection letter had been received from a Bishopthorpe resident and parent of a child attending the school. There had also been an additional Officer assessment on the setting of the Bishopthorpe Conservation Area which was on the eastern corner of the site which the land laid adjacent to.

Referring to paragraph 134 of the NPPF and Policy D4 (Conservation Areas) of the Publication Draft Local Plan 2018, Officers advised that whilst the proposed fencing would be most

visible along this corner with the conservation area boundary, it was considered that it would cause very limited harm to the setting of the adjacent conservation area. With regard to the requirements of the NPPF, the harm is considered to be outweighed by the public benefit of added security to the school site and the improved protection of the staff and children at the school.

Morwenna Christian, (local resident representing residents on Copmanthorpe Lane), spoke in objection to the application. She noted that the fencing around the perimeter would be out of keeping for the area and impacted on wildlife (particularly the hedgehog population) by not allowing connectivity through the fence. She suggested that there were alternatives to the fencing such as closing the school gate and allowing the hedge around the perimeter to grow.

Jonathan Green, Headteacher at Archbishop of York Junior School, spoke in support of the application. He explained that the school had paid for a health and safety officer to carry out a check of the school and had found that the site was very open. Mr Green advised that a fence was needed to meet Ofsted requirements and he highlighted the health and safety issues identified during the Ofsted health check. Mr Green confirmed that hedgehog tunnels could be installed into the fence, and the hedge could be allowed to grow.

A member asked whether Mr Green had considered letting the hedge grow. Mr Green explained that whilst the hedge could be allowed to grow, it was not strong enough to keep people out of the school site. In response to a further question, Mr Green stated that the hedge could be allowed to grow to the same height of the fence (1.8m).

Following debate on the application, and clarification from Officers Cllr Gillies moved the recommendation with the addition of an amendment to condition that the hedge around the perimeter of the school be allowed to grow to the height of the fence (1.8m). This was seconded by Cllr Shepherd and it was:

Resolved: That the application be approved subject to the additional condition that wherever possible, the hedge around the perimeter of the school be allowed to grow to 1.8m and not beyond that height.

Reason: Whilst it is acknowledged that the erection of the fence would result in some harm to the rural appearance of the area contrary to policy D1, it is considered that in the planning balance this harm is outweighed by the need to provide a secure perimeter for the school.

**39b. Scarborough Bridge, Earlsborough Terrace, York
(17/03049/FULM)**

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

Members considered a major full application by Network Rail(Infrastructure) Ltd for the replacement of the 1.8m footpath/cyclepath with a 3.6m wide footpath/cyclepath with associated alterations to bridge abutments, ramps and stair access arrangements at Scarborough Bridge, Earlsborough Terrace, York.

Officers advised Members that there had been additional representation from York Civic Trust, who cited concern regarding the impact on vistas, loss of the existing Victorian lattice ironwork, lack of clarity over materials and colour including iron work and stone, changes to the parapets above the abutments and creation of a bottleneck at either side of the embankment. The Trust also suggested that where possible, alterations were reversible to give the ability to understand the changes that were are important to the bridge's history. Officers outlined their responses to the concerns raised by the Trust. In response to the Trust's suggestion that the alterations to the bridge be reversible, Officers explained that it was unclear whether the alterations could be reversible and there was a risk that this could result in further loss of historic fabric.

Officers gave an explanation of the layout of the bridge, including the locations of ramps, lighting and step access for pedestrians.

In response to questions from Members, Officers clarified that:

- There was a condition in place for the finish of the materials

- There was a restriction on where the cycle path could be situated. It was noted that there was no engineering option to further widen the path.
- That the end pier had moved back by 1m.

Members were advised that the recommendation had been revised to delegate authority for the Assistant Director to approve the application following the receipt of consultation responses from the Holgate and Guildhall Planning Panels or after the expiry of the consultation period if no response is received within the time period. If any issues or objections are raised which are not covered in the officer's report these issues the approval shall be in consultation with the Chair and Vice-Chair.

Tony Clarke, Head of Transport at City of York Council, spoke in support of the application, noting that the bridge was the only traffic free bridge in the city centre. He explained that the bridge had been funded through a number of authorities and was time limited to 2018. He advised that the current bridge was widely used and was inadequate for a number of users, specifically wheelchair users and people with pushchairs. He added that the main objective was provide step free and traffic free access during high river levels and noted that there had been a positive response to the proposals during consultation. It was anticipated that the bridge would be completed in February 2019.

Resolved:

- i. That authority be delegated to the Assistant Director to approve the application following the receipt of consultation responses from the Holgate and Guildhall Planning Panels, or after the expiry of the consultation period if no responses are received within the time period.
- ii. That should any issues or objections be raised by the Holgate and Guildhall Planning Panels which are not covered in the officer's report, that approval by the Assistant Director be made in consultation with the Chair and Vice-Chair.

Reason:

- i. The proposal will result in less than substantial harm to designated and non-designated heritage assets. Considerable weight has been given to their

conservation under the requirements of the Act and the NPPF. It is demonstrated that the works to improve the crossing over the bridge, for pedestrians, cyclists and disabled users will be of a substantial benefit to the public and achieve wider Council aims, in terms of facilitating greater accessibility for and to sustainable transport modes. It is therefore considered that in the planning balance the public benefits outweigh the less than substantial harm and that paragraphs 132, 134 and 135 of the NPPF have been satisfied.

- ii. The development raises some concerns in regards to the environmental impacts. This position is balanced. It achieves the aims of improving local access routes for pedestrian and cyclists and those with disabilities across the river, providing a greater range of sustainable transport options and will help to alleviate vehicle/cycle conflict in other parts of the city. However this is balanced with the loss of trees on both the northern and southern embankments. Along with the loss of the trees, one of the trees to be removed contains two unused bat boxes.
- iii. On balance weighing the environmental and heritage impacts of the proposal against the public benefits of providing improved sustainable transport option for pedestrian, cycling and disabled access along the river Ouse, the application is considered to be acceptable and accords with national policies contained within the NPPF, and local policies contained within the DCLP 2005 and the 2018 Draft Local Plan. The proposals are considered to preserve this part of the Central Historic Core Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.10 pm].

COMMITTEE REPORT

Date: 5 April 2018
Team: Major and Commercial Team
Ward: Fishergate
Parish: Fishergate Planning Panel

Reference: 18/00051/GRG3
Application at: Fishergate Primary School Fishergate York YO10 4AF
For: Erection of two storey extension with single storey link to existing building together with formation of new openings at ground floor providing play area and first floor nursery accommodation
By: Mrs L Calvert
Application Type: General Regulations (Reg3)
Target Date: 20 April 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 Fishergate School was designed by WH Brierley for the York School Board in the last decade of the 19th Century. It is valued as an example of Brierley's pioneering design work for new schools, exploiting spatial interest, demonstrating quality of detail and technical innovation. It is Grade II listed.

1.2 This application relates to a large outbuilding situated within the playground of the school and adjacent to Escrick Street. This building is used independently of the main Fishergate School building, for a playgroup and as an out of school club known as Funfishers. It has previously been adapted to create more space by the insertion of a mezzanine floor; and WC's and a kitchen have been introduced on the ground floor. Planning permission is sought for a two and single storey side extension to the existing outbuilding. The single storey extension would connect to the side wall of the host building and link together with the proposed two storey extension. This building part of the School curtilage and is therefore covered by the Grade II listing. The main school building is within the recently extended part of the Central Historic Core conservation area covering Fishergate however the site of the proposal is outside of the conservation area.

1.3 The application is supported by a Heritage Statement, Design and Access Statement, Sustainability Statement and Flood Risk Assessment.

1.4 There is a concurrent listed building consent application ref: 18/00052/LBC relating to the proposals for a two and single storey extension to this building.

1.5 Relevant Site History

Internal and external alterations of existing out buildings to form after school club (ref: 98/00045/FUL and 98/00046/LBC.

New window to side elevation and internal alterations of out-of-school club building (ref:13/00701/FUL and 13/00702/LBC.

1.6 This application has been called to be determined at the April Planning Sub - Committee by Councillor Dave Taylor if Officer recommendation is to refuse this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Education

Areas of Archaeological Interest: City Centre Area 0006

Conservation Area: Central Historic Core CONF

Listed Buildings: Grade 2; Fishergate Cp School Fishergate York YO1 4AP 0008

2.2 Policies:

Draft Development Control Local Plan 2005

CYGP1Design

CYHE4Listed Buildings

CYED1Primary and Secondary Education

CY HE10Archaeology

Emerging Local Plan policies

Policy D5 Listed Buildings

Policy D6 Archaeology

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation Architect)

3.1 Officers object to the proposal on design grounds as it fails to respect the high quality and significance of the adjacent listed building.

Planning and Environmental Management (Archaeology)

3.2 The main school building is situated within the site of Fishergate Roman cemetery. The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

Public Protection Unit

3.3 No objections subject to relevant conditions regarding contamination and a construction informative.

EXTERNAL

Fishergate Planning Panel

3.4 No comments received.

Planning Committee of York Civic Trust

3.5 Supports this application.

Conservation Area Advisory Panel

3.6 The Panel considered that the design was a good solution to the requirements with the proposed extension being subservient to but in keeping with and respectful to the existing building. It was commended by the majority of the Panel members.

Publicity and Neighbour Notification

3.7 There has been nine letters of support for the development from parents and interested parties.

3.8 One letter expressing concern about the reduction in parking area which is used by parents to turn their vehicles which could result in a danger to children.

Councillor Taylor

3.9 No objection in terms of design, and can see no detriment to the historic buildings or their setting.

4.0 APPRAISAL

KEY ISSUES:

- visual impact, effect on character of listed building
- impact on neighbouring properties

PLANNING POLICIES

4.1 The National Planning Policy Framework (NPPF) (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in paragraph 17 is 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.

4.2 The NPPF, Chapter 7, paragraph 56 advises 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 make places better for people.

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

4.4 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.5 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded very limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.6 2018 Draft Plan Policy D5: Listed Buildings states that proposals affecting a listed building or its setting will be supported where they (i) preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and (ii) help secure a sustainable future for a building at risk; (iii) are accompanied by an appropriate, evidence based heritage statement assessing the significance of the building. Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm the significance of the building. Harm to an element which contributes to the significance of a listed building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a listed building will be permitted only where it can be demonstrated that the proposals would bring substantial public benefits.

4.7 2018 Draft Plan Policy D6: Archaeology states that development proposals that affect archaeological features and deposits will be supported where; (i) they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present; (ii) they will not result in harm to the significances of the site or its setting; (iii) they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk; (iv) harm to archaeological deposits is unavoidable, detailed mitigation measures

have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

4.8 The Draft City of York Local Plan was approved for development management purposes in April 2005. Its policies carry very limited weight where there are compliant with the NPPF. Policy HE4 Listed Buildings states that consent will only be granted for development in the immediate vicinity of a listed building or external and internal alterations where there is no adverse effect on the character appearance or setting of the building.

4.9 Policy HE10 relating to Archaeology states that planning applications for development that involves disturbance of existing ground levels on sites within the York City Centre Area of Archaeological Importance will be granted provided that the applicants permit a field evaluation to assess the extent and importance of the archaeological remains; and the applicants demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed. Outside York City Centre Area of Archaeological Importance, archaeological deposits of national importance must be preserved in situ.

4.10 Policy ED1, which supports the extension of appropriate primary education facilities where there is a recognised need designed in a way that compliments the local area and provides for joint community use.

ASSESSMENT:

4.11 The host building is known as Funfishers pre- school nursery and out of school club in association with the main Fishergate School. This building is located to the north east corner of the play ground of the School. This building was internally altered following listed building and planning permission in 2013 to extend the existing upper mezzanine floor and relocate the staircase serving this upper floor. This proposed development considers a two storey building which will be attached to the existing building by a glazed roof link to the side of the building utilizing the existing external alley which provides pedestrian access into the playground and the entrance. It would be positioned on the existing car parking areas outside the boundary wall serving the school and nearby Melbourne Centre. The extension will provide a recognised need for additional facilities to serve the community. As such, it accords with the aims of the NPPF and Draft Local Plan Policy ED10 set out above and is, therefore, acceptable in principle subject to detailed considerations.

IMPACT ON THE SPECIAL INTEREST OF THE LISTED BUILDING:

4.12 The general duty with respect to listed buildings in the exercise of planning functions is contained in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that in considering whether to grant planning permission for development which affects a listed building or its setting, the

local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.13 The host building has been described as having a pavilion like appearance, incorporating symmetrical three half dormer style windows above Escrick Street. The side wall overlooking the car park has a gable wall attached to three single storey gables off shoots on the play ground elevation screened by the boundary wall. The proposed attached building will measure approx 6.2 metres in height incorporating a floor area of approx 7 metres by approx 13 metres in depth. The proportions of the glazed link entrance will be approx 2.3 metres by approx 8 metres incorporating a brick frontage with timber entrance door of approx 3.4 metres in height. The design would incorporate a double ridge with intervening flat roof on the car park elevation.

4.14 It is considered that the design does not reflect any aesthetic or historic values exhibited in Walter Brierley's work for the listed building. The silhouette of the design of the double ridge when viewed from the side elevation is too dominant and detracts from the carefully considered gable of the existing listed building. Furthermore, the positioning of gutter detail from the intervening flat roof on to the new link building roof is considered to appear incongruous. With regards to the new windows Officers have noted that the head and sills to the dormer on Escrick Street don't align with the existing examples. Also, the use of obscured glazing at the lower level of the window has been considered as an unattractive feature to the window. Officers have acknowledged that there are similar style dormer windows to the three storey development on Escrick Street opposite the proposal. However, it is considered that the existing additions do not make a positive contribution to the special interest of the neighbouring listed building. The new entrance and small signage within the proposed link building opening would not detract from the special interest of the host listed building or its immediate setting and wider views from Escrick Street.

4.15 Officers have advised the applicant of potential amendments to introduce a different roof design to reduce its dominance. Further, discussions have advised that the proposed window proportions and composition could better reflect those of the listed building. The applicant's agent has written in support of this current design on the grounds that the shape of the ridge height is required to allow for head height on the upper floor and that the window cill height does not allow for a standard floor to ceiling height. The Architect also considers the design of the low ridge height and positioning of the new window in order to allow children to visually connect with the outside areas.

SETTING OF THE CONSERVATION AREA

4.16 The proposal is not considered to affect the setting of the Central Historic Core Conservation Area .

HARM TO DESIGNATED HERITAGE ASSETS AND PUBLIC BENEFITS:

Application Reference Number: 18/00051/GRG3

Item No: 4a

4.17 The Council's statutory duty under section 66 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to any harm. Paragraph 132 of the NPPF states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. The harm to the listed building is considered to be less than substantial. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst, the public benefits of this development are acknowledged to address future community and educational needs, officers do not consider that the harm to the significance of the heritage asset would be outweighed by the public benefits.

NEIGHBOUR AMENITY:

4.18 The proposed Escrick Street elevation is opposite a three storey building of single apartments. It is considered that the location of the proposed building is sufficiently distant to ensure that it will not in itself have a significant adverse impact on the amenity of any neighbouring occupiers.

4.19 The Melbourne Centre(a dual purpose facility, providing specialist training and learning opportunities in the daytime and room space for community, sports and leisure groups in the evening and weekends) located to the rear of the school curtilage and shares parking spaces with the school. The proposed site plans illustrate that the parking areas would be relocated to allow for the new building constructed.

ACHAEOLOGY:

4.20 The main school building is situated within Fishergate Roman cemetery. The nursery is outside of the known extent of the cemetery but in an area that is known to contain archaeology relating to all periods. At 8-9 Escrick St an excavation in 1989 revealed the base of a ditch cutting cultivated soil of early 2nd century date. The upper part of the ditch had been destroyed by agricultural activity lasting from 11th - 19th century. As such and in line with paragraph 135 of the NPPF, conditions would be attached requiring the implementation of a programme of archaeological work and a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site.

5.0 CONCLUSION

5.1 For the reasons stated, it is considered that the proposed design would harm the appearance and special interest of the listed building. Therefore it would be contrary

to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, would fail to comply with paragraphs 132 and 134 of the National Planning Policy Framework 2012 and Emerging Local Plan policy D5 and policy HE4 of the Draft Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development fails to adopt the architectural detail of the host building. The design does not fit into the context of the existing building in that development does not reflect any aesthetic or historic values exhibited in Walter Brierley's work. The form of the double ridge with intervening flat roof is uncomfortable and does not reflect the elegant roof forms of the listed building and the design of the extension would appear at odds with the architectural character of the listed building. The proposal would lead to less than substantial harm to the designated heritage asset. It is not considered that the public benefits of this new building identified that would outweigh this harm. Thus, the proposals conflict with the requirements of Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 132 and 134) Emerging Local Plan policy D5 and Policy HE4 of the City of York Development Control Local Plan.

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 discussed the Architect to consider amendments to the development due to the harm to the designated heritage assets associated with the proposed building. The Architect was unwilling to make changes. Thus notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

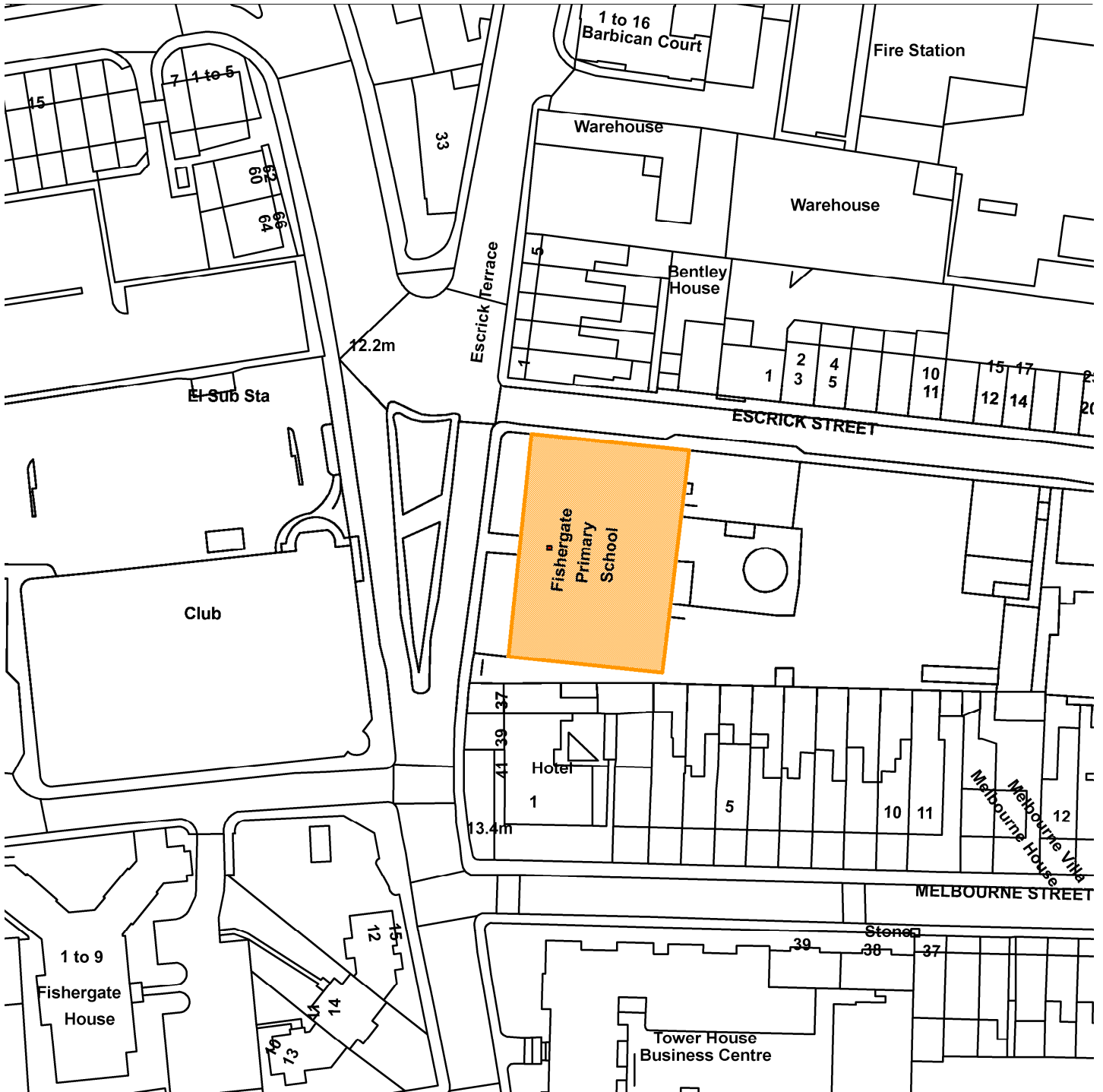
Author: Sharon Jackson Development Management Assistant
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Fishergate Cp School, Fishergate

18/00051/FUL



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| Department | Not Set |
| Comments | Site Plan |
| Date | 27 March 2018 |
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COMMITTEE REPORT

Date: 5 April 2018 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 18/00052/LBC
Application at: Fishergate Primary School Fishergate York YO10 4AF
For: Erection of two storey extension with single storey link to existing building together with formation of new openings at ground floor providing play area and first floor nursery accommodation
By: Mrs L Calvert
Application Type: Listed Building Consent
Target Date: 20 April 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 Fishergate School was designed by WH Brierley for the York School Board in the last decade of the 19th Century. It is valued as an example of Brierley's pioneering design work for new schools, exploiting spatial interest, demonstrating quality of detail and technical innovation. It is Grade II listed.

1.2 This application relates to a large outbuilding situated within the playground of the school and adjacent to Escrick Street. This building is used independently of the main Fishergate School building, for a playgroup and as an out of school club known as Funfishers. It has previously been adapted to create more space by the insertion of a mezzanine floor; and WC's and a kitchen have been introduced on the ground floor. Planning permission is sought for a two and single storey side extension to the existing outbuilding. The single storey extension would connect to the side wall of the host building and link together with the proposed two storey extension. This building part of the School curtilage and is therefore covered by the Grade II listing. The main school building is within the recently extended part of the Central Historic Core conservation area covering Fishergate however the site of the proposal is outside of the conservation area.

1.3 The application is supported by a Heritage Statement, Design and Access Statement, Sustainability Statement and Flood Risk Assessment.

1.4 There is a concurrent listed building consent application ref: 18/00051/GRG3 relating to the proposals for a two and single storey extension to this building.

1.5 This application has been called to be determined at the April Planning Sub - Committee by Councillor Dave Taylor if Officer recommendation is to refuse this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area 0006

Conservation Area: Central Historic Core CONF

Listed Buildings: Grade 2; Fishergate Cp School Fishergate York YO1 4AP 0008

2.2 Policies:

Draft Development Control Local Plan 2005

CYHE4Listed Buildings

Emerging Local Plan policies

Policy D5 Listed Buildings

3.0 CONSULTATIONS

INTERNAL:

Planning and Environmental Management (Conservation Architect)

3.1 Officers object to the proposal on design grounds as it fails to respect the high quality and significance of the adjacent listed building.

EXTERNAL:

Fishergate Planning Panel

3.2 No comments received.

Conservation Area Advisory Panel

3.3 The Panel considered that the design was a good solution to the requirements with the proposed extension being subservient to but in keeping with and respectful to the existing building. It was commended by the majority of the Panel members.

Publicity and Neighbour Notification

3.4 There have been six letters of support for the development from parents and interested parties.

Councillor Taylor

3.5 No objection in terms of design, and can see no detriment to the historic buildings or their setting.

4.0 APPRAISAL

KEY ISSUE

- Impact on special architectural or historic interest of the listed building

PLANNING POLICIES

4.1 The National Planning Policy Framework (NPPF) (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Paragraph 56 advises 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 make places better for people. Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded very limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.3 2018 Draft Plan Policy D5: Listed Buildings states that proposals affecting a listed building or its setting will be supported where they (i) preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and (ii) help secure a sustainable future for a building at risk; (iii) are accompanied by an appropriate, evidence based heritage statement assessing the significance of the building. Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm the significance of the building. Harm to an element which contributes to the significance of a listed building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a listed building will be permitted only where it can be demonstrated that the proposals would bring substantial public benefits.

4.4 The Draft City of York Local Plan was approved for development management purposes in April 2005. Its policies carry very limited weight where there are compliant with the NPPF. Policy HE4 Listed Buildings states that consent will only be granted for development in the immediate vicinity of a listed building or external and internal alterations where there is no adverse effect on the character appearance or setting of the building.

ASSESSMENT

4.5 With reference to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

IMPACT ON SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE LISTED BUILDING

4.6 The host building has been described as having a pavilion like appearance, incorporating symmetrical three half dormer style windows above Escrick Street. The side wall overlooking the car park has a gable wall attached to three single storey gables off shoots on the play ground elevation screened by the boundary wall. The proposed attached building will measure approx 6.2 metres in height incorporating a floor area of approx 7 metres by approx 13 metres in depth. The proportions of the glazed link entrance will be approx 2.3 metres by approx 8 metres incorporating a brick frontage with timber entrance door of approx 3.4 metres in height. The design would incorporate a double ridge with intervening flat roof on the car park elevation.

4.7 It is considered that the design does not reflect any aesthetic or historic values exhibited in Walter Brierley's work for the listed building. The silhouette of the design of the double ridge when viewed from the side elevation is too dominant and detracts from the carefully considered gable of the existing listed building. Furthermore, the positioning of gutter detail from the intervening flat roof on to the new link building roof is considered to appear incongruous. With regards to the new windows Officers have noted that the head and sills to the dormer on Escrick Street don't align with the existing examples. Also, the use of obscured glazing at the lower level of the window has been considered as an unattractive feature to the window. Officers have acknowledged that there are similar style dormer windows to the three storey development on Escrick Street opposite the proposal. However, it is considered that the existing additions do not make a positive contribution to the special interest of the neighbouring listed building. The new entrance and small signage within the proposed link building opening would not detract from the special interest of the host listed building or its immediate setting and wider views from Escrick Street.

4.8 Officers have advised the applicant of potential amendments to introduce a different roof design to reduce its dominance. Further, discussions have advised that

the proposed window proportions and composition could better reflect those of the listed building. The applicant's agent has written in support of this current design on the grounds that the shape of the ridge height is required to allow for head height on the upper floor and that the window cill height does not allow for a standard floor to ceiling height. The Architect also considers the design of the low ridge height and positioning of the new window in order to allow children to visually connect with the outside areas.

4.9 The Council's statutory duty under section 16 gives rise to a strong presumption against listed building consent being granted, and considerable importance and weight must be given to any harm. Paragraph 132 of the NPPF states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. The harm to the listed building is considered to be less than substantial. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst, the public benefits of this development are acknowledged to address future community and educational needs, officers do not consider that the harm to the significance of the heritage asset would be outweighed by the public benefits.

5.0 CONCLUSION

5.1 It is considered that the proposals would harm the special architectural or historic interest of the listed building and its setting and would not accord with guidance contained in paragraphs 132 and 134 of the National Planning Policy Framework 2012, Policy D5 (Listed Buildings) of the Publication Draft York Local Plan 2018, Policy HE4 (Listed Buildings) of the Development Control Local Plan and Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development fails to adopt the architectural detail of the host building. The design does not fit into the context of the existing building in that development does not reflect any aesthetic or historic values exhibited in Walter Brierley's work. The form of the double ridge with intervening flat roof is uncomfortable and does not reflect the elegant roof forms of the listed building and the design of the extension would appear at odds with the architectural character of the listed building. The proposal would lead to less than substantial harm to the designated heritage asset. It is not considered that the public benefits of this new building identified that would outweigh this harm. Thus the proposals conflict with the requirements of

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 132 and 134) Emerging Local Plan policy D5 and Policy HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Sharon Jackson Development Management Assistant

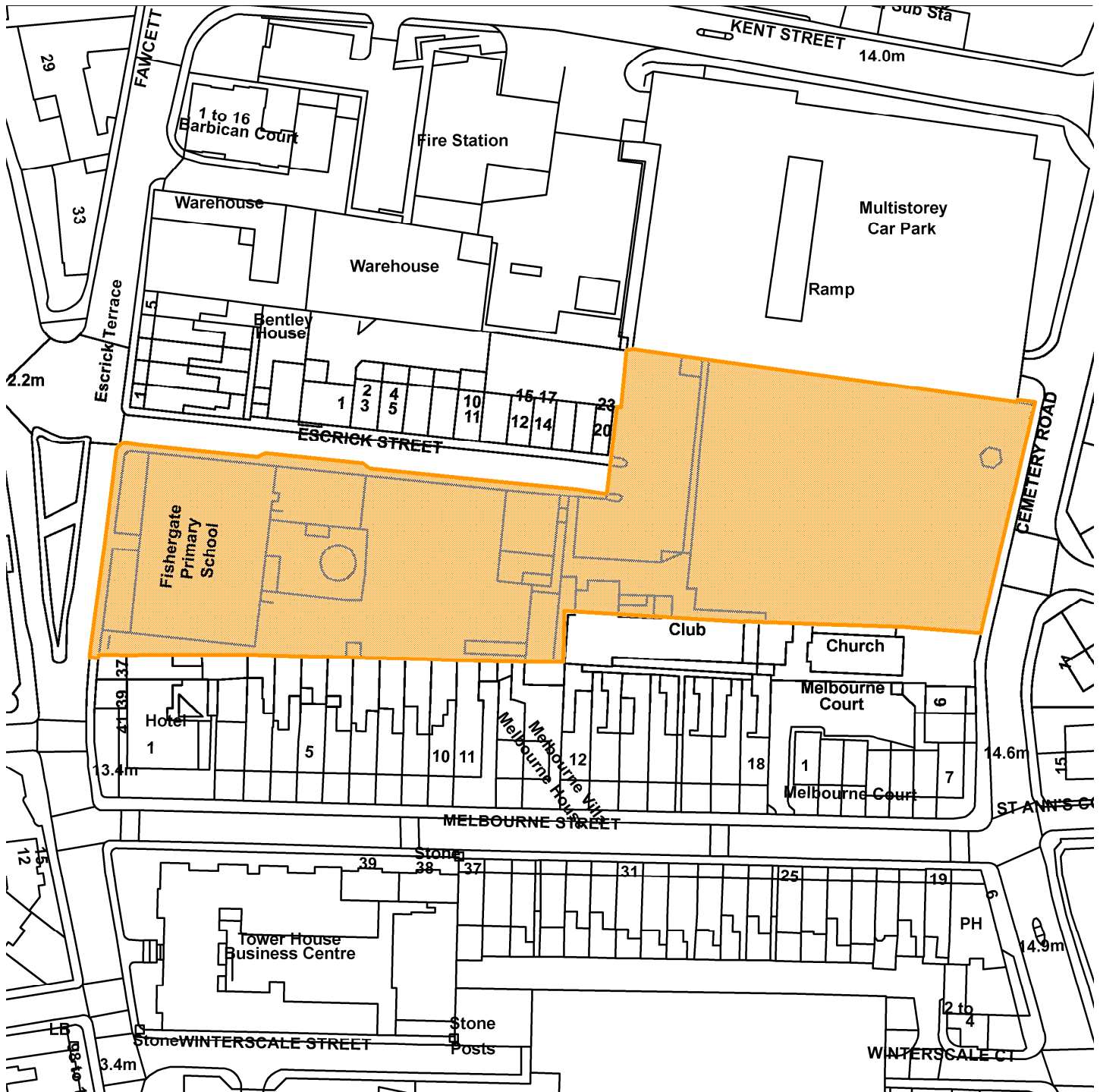
Tel No: 01904 551359

Fishergate Cp School, Fishergate

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| Organisation | Not Set |
| Department | Not Set |
| Comments | Site Plan |
| Date | 27 March 2018 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 5 April 2018 **Ward:** Osbaldwick And Derwent
Team: Major and **Parish:** Dunnington Parish
Commercial Team Council

Reference: 18/00041/FULM
Application at: Manor Farm Elvington Lane Dunnington York YO19 5LT
For: Erection of replacement agricultural building for storage of
grain, fertilizer and machinery
By: Mr Paul Hopwood
Application Type: Major Full Application (13 weeks)
Target Date: 17 April 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of a single steel portal framed agricultural storage building in place of a group of three existing agricultural buildings on an established agricultural holding. Access to the building would be gained via the existing entrances from Elvington Lane. The buildings dimensions would be 51.7m long in total x 24.4m wide x 5.5m to eaves and 8.7m to ridge. External materials for the walls would be concrete panels from ground level to 2m with a mixture of Yorkshire timber boarding and profile sheeting colour finished olive green above. The Yorkshire boarding would be to the western and majority of the southern elevations (7 of 10 panels), with the metal cladding used around the eastern end of the building to enclose the grain store for security and operational reasons. The roof would be natural grey fibre cement sheeting. Drainage would be via a soakaway.

2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy policies:

- YH9(C) and Y1(C1 and C2);

2.2 National Planning Policy Framework (2012)

2.3 City of York 2005 Draft Local Plan policies:

- CYGB1 - Development within the Green Belt
- CYGP1 - Design
- CGP15A - Development and Flood Risk
- CYHE2 - Development in historic locations
- CYHE4 - Listed Buildings
- CYNE6 - Species protected by law

2.4 City of York 2018 Publication Draft Local Plan policies:

- D1 – Placemaking
- D2 – Landscape and setting
- D5 – Listed Buildings
- GI2 – Biodiversity and Access to Nature
- GB1 – Development in Green Belt
- ENV2 – Managing Environmental Quality
- ENV4 – Flood Risk

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development (Countryside and Ecology)

3.1 A Preliminary Bat Roost Assessment of three agricultural buildings joined together: a machinery store/barn; a cattle shed (with integral machinery store) and an open Dutch Barn, undertaken in January 2018 has been submitted in support of this application. The agricultural buildings to be demolished have negligible potential to support bat due to their materials and construction (metal/concrete, open structure). Agrees with the survey's conclusion that no further work with regards to bats is required.

3.2 The survey also made note of any evidence of nesting birds, whilst accepting that it was undertaken out of season for the majority of species. Old blackbird nests were observed in the machinery store/barn and so as a precautionary approach a condition should be imposed if this application is approved.

Public Protection

3.3 No objection as it is a replacement shed for storage of grain, fertiliser and machinery with no adjacent unrelated residential buildings.

EXTERNAL

Ouse and Derwent Internal Drainage Board

3.4 The proposal would appear to enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off if not effectively constrained. No objection subject to drainage conditions.

Dunnington Parish Council

3.5 No objections.

4.0 APPRAISAL

4.1 The key issues relevant to the consideration of this application are:

- Principle of development
- Green Belt policy
- Impact on heritage asset
- Character and appearance
- Ecology
- Residential amenity
- Flood risk and drainage
- Highway safety

SITE AND PLANNING HISTORY

4.2 The site relates to a parcel of land within an existing agricultural holding extending to approximately 146 hectares (360 acres) that is located around Elvington Lane, south of Grimston Bar roundabout and the A1079 Hull Road. The farm house and a series of farm buildings are sited on the east side of Elvington Lane. The application site lies to the southern boundary of these farm buildings is currently occupied by a collection of three attached buildings (measuring approximately 1,011 sq.m. floor area, 5.64m to eaves and 7.5m to ridge). The farm house is Grade II listed and the site lies within Flood Zone 1 (low probability).

4.3 Relevant planning history includes planning permission for a replacement grain store building in 2009 (ref.09/01411/FUL 18.09.09) located to the north of the farm house and more recently a replacement agricultural building to the east of the farmhouse (ref.18/00040/FUL 12.03.18). Consent was given in 2017 for the conversion of a group of traditional brick and slate farm buildings to three dwellings (ref.17/01478/FUL 16.8.17).

LEGISLATIVE BACKGROUND

4.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. 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 section 66 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

POLICY CONTEXT

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

4.6 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 explains that at the heart of the Framework is a presumption in favour of sustainable development. This presumption does not apply where there are specific policies in the Framework which indicate that development should be restricted, such as policies relating to land designated as Green belt or designated heritage assets. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as protecting Green Belt, seeking high quality design and a good standard of amenity for all, taking full account of flood risk, conserving and enhancing the natural environment, and conserving heritage assets. Paragraph 28 of the Framework encourages local planning policies to promote a strong rural economy by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.

4.7 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. However, such policies can be afforded very limited weight. The relevant policies are summarised in section 2.2 above. The site lies within the City of York Green Belt on the Proposals Map that accompanies the draft 2005 plan.

4.8 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at

this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. The Proposals Map accompanying the 2018 draft plan includes the site within the York Green Belt.

GREEN BELT POLICY

4.9 As the site lies within the general extent of Green Belt, the more restrictive policies of Green Belt apply.

4.10 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Whilst there is no definition of openness in the NPPF, the courts have considered that it is a concept which relates to the absence of buildings or built development.

4.11 Paragraph 87 confirms that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in very special circumstances. All development is considered to be inappropriate in Green Belt, unless it falls within the closed lists contained in paragraphs 89 or 90 of the NPPF. Paragraph 89 of the NPPF includes the construction of buildings for agricultural purposes as appropriate development in the Green Belt.

4.12 Whilst the proposed building would be larger overall than the series of buildings it seeks to replace, being of one mass, with a rectangular footprint and higher to ridge, its extent is confined by the existing southern and eastern site boundaries and the presence of Elvington Lane to the west. It would be viewed in the context of the farm holding. The larger dimensions and filling in of a gap in the northern side of the building facing the farm yard would not cause any harm to the openness of the Green Belt nor the purposes of including land within it.

4.13 As such, the proposal is considered to be appropriate in Green Belt policy terms and there is no harm identified to the Green Belt.

SETTING OF DESIGNATED HERITAGE ASSET

4.14 In addition to the legislative requirements of Section 66 of the 1990 Act, Section 12 of the NPPF 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. In accordance with the legislative requirements of the 1990 Act, if harm is identified to a heritage asset the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

4.15 The existing farm house to the north of the application site is Grade II listed. It is separated from the proposed agricultural building by the farm yard and the complex of agricultural buildings that comprise the holding. The proposed agricultural building would be read in the context of the farm and would be of improved appearance replacing the collection of three dated buildings. It would be of similar appearance to the agricultural building to north of farmhouse and that approved earlier in March 2018, though would retain some Yorkshire boarding to the western and part of the southern external walls, which are viewed along the public highway with the listed farm house. As such, it would bring visual unity to the farm holding as well as longevity to the farm buildings. Overall, the proposal would have a positive impact on the setting of the listed farm house.

4.16 In light of the above, the proposal would preserve the setting of the listed building and its special architectural and historic interest, as required by section 66(1) of the 1990 Act. The proposal, therefore, complies with national and local planning policies in respect of the historic environment.

CHARACTER AND APPEARANCE

4.17 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development that is indivisible from good planning and should contribute positively to making places better for people.

4.18 The Design and Access Statement explains that the existing buildings are dated and inefficient - it is understood that they are not sufficiently secure for storage of agricultural produce and materials. Therefore, the proposed building would provide improved facilities for an established agricultural holding. It is appropriate in its design and materials of construction for its use and location on an established agricultural holding. Whilst larger than the existing agricultural buildings, due to its increased height for its entire length and projection closer to the western site boundary with the public highway, it would be viewed against the backdrop of the holding. The proposal can be supported in terms of design and visual amenity grounds.

ECOLOGY

4.19 Chapter 11 of the NPPF states that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability. Paragraph 118 of this

chapter requires LPAs to aim to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.20 There are no designated or protected habitats that would be adversely affected by the proposal. A preliminary bat roost assessment was undertaken of the existing buildings in January 2018, which concluded that no further bat surveys were required as the buildings have negligible potential to support bats. The Council's Countryside and Ecology Officer concurs with this conclusion, though requests a condition regarding breeding birds. Therefore, there is no harm identified to biodiversity subject to condition.

RESIDENTIAL AMENITY

4.21 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Further, paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer.

4.22 The building is sufficiently removed from other residential properties that are not part of the holding so as not to result in any adverse impacts on the living conditions of the occupants. Public Protection has raised no objections to the proposal. Therefore, the scheme can be supported on amenity grounds.

FLOOD RISK AND DRAINAGE

4.23 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Local planning policies in the Draft Local Plans supports the aims of the NPPF.

4.24 The proposal replaces an existing collection of buildings, with a similar though extended footprint. There is no intention to connect to the foul drainage system. Surface water run-off is proposed to be discharged to a soakaway. The Internal Drainage Board seek conditions regarding drainage provisions to ensure that there is effective discharge from the site. Therefore, subject to condition, no harm is identified to flood risk.

HIGHWAY SAFETY

4.25 The proposal would not alter the existing access arrangements to the holding. Whilst the proposed building would project slightly closer to the site boundary with the public highway, this would not interfere with visibility for exiting vehicles, given the space that would still be retained between the building and the site boundary and the straight nature of Elvington Lane at this point. Therefore, there is unlikely to be any harm in terms of highway safety.

5.0 CONCLUSION

5.1 The proposal involves the erection of an agricultural storage building to replace a collection of three attached buildings situated on an established arable and livestock farm holding. The application explains that the existing buildings are dated and inefficient for modern agricultural use. The replacement agricultural building is appropriate in Green Belt policy terms and would preserve the setting of the Grade II listed farm house. The building would be viewed in the context of the farm holding and against the backdrop of the other farm buildings. There would be no harm to protected species, though a condition is requested relating to breeding birds. No unrelated residential properties would be adversely affected by the replacement building, nor would there be harm to land contamination. Further details are required of surface water drainage. The proposal would utilise the existing access arrangements and would not hinder safe access and egress from the site. In light of the above, the proposal is considered to be acceptable and is recommended for approval, 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:-

- Drawing no. IP/CEH/02 'Location Plan' dated Jan 18;
- Drawing no. IP/CEH/03 'Site Layout Plan' dated Jan 18;
- Drawing no. IP/CEH/04A 'Elevations and Floor Plan' dated Feb 18;

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

3 No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

4 Construction 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.

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:

- Revised external materials to include Yorkshire boarding to western and part southern elevations;
- Imposition of conditions regarding breeding birds and drainage.

Contact details:

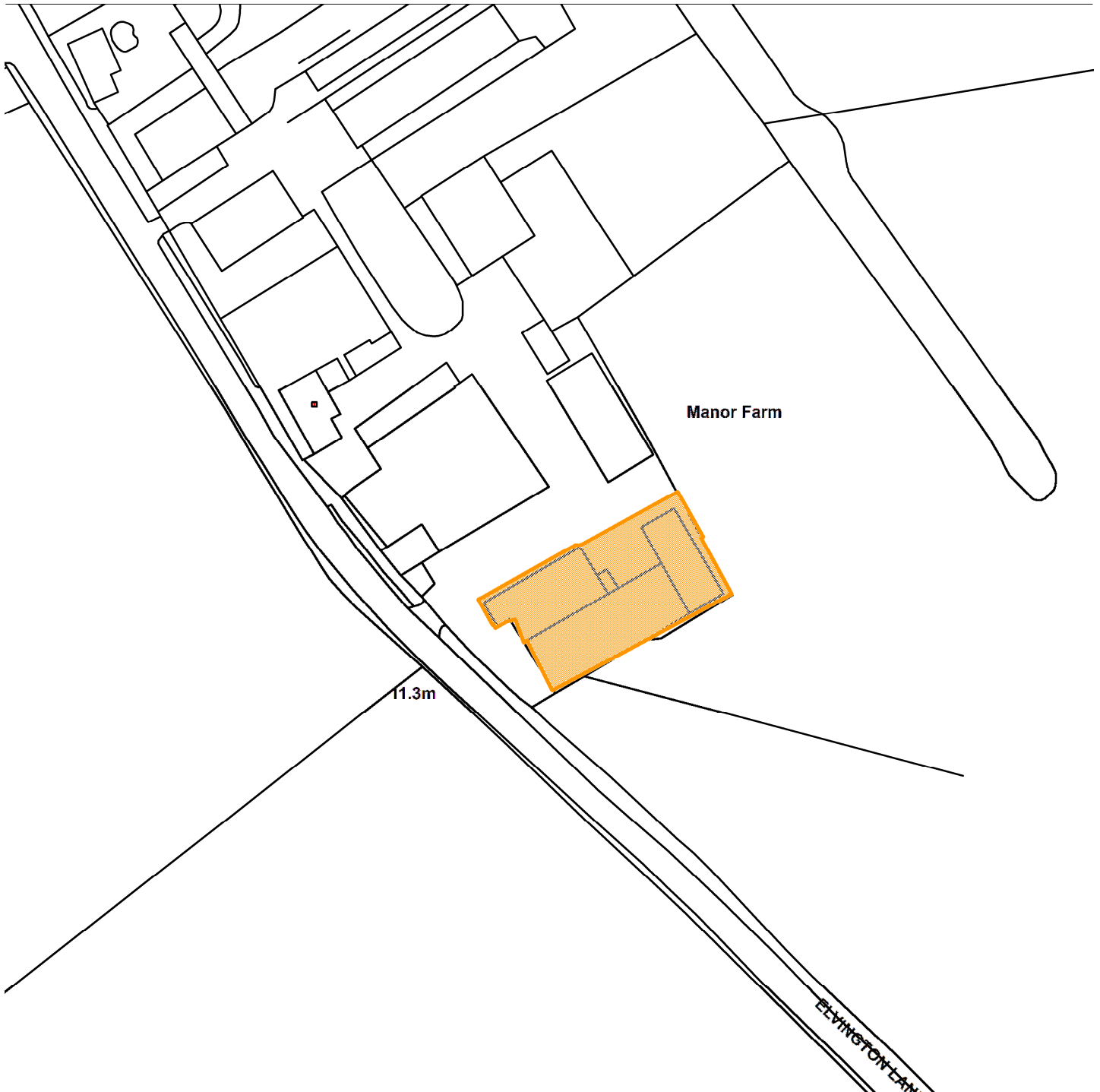
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Manor Farm, Elvington Lane, Dunnington

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| Comments | Site Plan |
| Date | 26 March 2018 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 5 April 2018 **Ward:** Osbaldwick And Derwent
Team: Major and **Parish:** Osbaldwick Parish
Commercial Team Council

Reference: 17/02562/FUL
Application at: Village Green Osbaldwick Village Osbaldwick York
For: Replacement of 2no. bridges over Osbaldwick Beck
By: Osbaldwick Parish Council
Application Type: Full Application
Target Date: 21 March 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 Osbaldwick Village Green comprises a long linear open space running centrally through the historic village area and framing the Osbaldwick Beck as it flows westwards towards its confluence with the River Foss. It furthermore partially lies within the Osbaldwick Conservation Area whose significance it makes it partially defines. Planning permission is sought by Osbaldwick Parish Council for the replacement of two bridges crossing the Green which are presently in poor structural condition. The area furthermore lies within Flood Zone 3.

2.0 POLICY CONTEXT

2.1 York Development Control Local Plan (2005) Policies:

CGP15A Development and Flood Risk
CYHE2 Development in historic locations
CYHE3 Conservation Areas

2.2 (Emerging) Publication Draft Local Plan Policies:-

ENV 4 Development and Flood Risk
D4 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Flood Risk Management Team

3.1 No objection

Planning and Environmental Management (Archaeology)

Application Reference Number: 17/02562/FUL

Item No: 4d

3.2 No objection in principle to the proposal but draw attention to the proximity of the more westerly of the bridges to the former moated manor of Osbaldwick and the presence of archaeological deposits of Post Medieval date eroding from the bank side in the presence of its abutments.

Planning and Environmental Management (Landscape)

3.3 Raise concerns in respect of the impact of the proposed brick parapets on views of the green and the beck.

Highway Network Management

3.4 No response.

EXTERNAL

Environment Agency

3.5 No objection.

Foss(2008) Internal Drainage Board

3.6 No objection.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE

- * Impact upon the character and appearance of the Osbaldwick Conservation Area;
- * Impact upon deposits of archaeological significance;
- * Impact upon flood risk in the locality.

PLANNING POLICY

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.3 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although any weight will be very limited except where in accordance with the National Planning Policy Framework.

CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas". As a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation. Policy D4 of the Publication Draft Local Plan is also relevant in this context. This indicates that development proposals will be supported if designed to conserve and enhance the Conservation Area whilst leaving its essential qualities unchanged. Policy D4 of the (Emerging) Publication Draft Local Plan also seeks that new development is designed to preserve and enhance the character and appearance of the Conservation Area whilst safeguarding important views through it.

4.5 The two bridges to be replaced connect the main village street to the north with properties lying on the south side of the Green together with a pedestrian footpath running in a parallel east/west direction. There are a number of other bridges giving private vehicular access to properties on the south side of the Green lying primarily to the east. Both bridges are of a plain functional character and date from the Late 19th/Early 20th Century. The westerly bridge incorporates some reused brick work from an earlier structure and there is an area of stonework laid within the Beck directly to its west. The easterly bridge is of a lesser townscape importance with service pipes crossing the Beck directly to its west. Both bridges have open post and rail balustrades. The green is one of the main elements of the character and appearance of the area. The conservation area character statement states that "the elongated green is the focal point of the village. Buildings are set well back along each side, creating an open rural character.

4.6 The proposal envisages the erection of two brick built bridges with a 1.3 metre high brick parapet with the existing head walls retained in situ. Both existing bridges are in poor structural repair with cracking to the bridge decks and scouring of mortar from the head walls and parapets along with displacement of masonry from both parapets and more significantly the bridge abutments. The western bridge has no parapet and the eastern bridge has a parapet of only 30cm above deck level. Both have a timber balustrade to lessen the risks of trips and falls into the Beck although this is itself in poor structural order and requires regular replacement.

4.7 The replacement of the existing bridges with structures incorporating a more substantial parapet detail and the associated impact upon east/west views would have some impact on the character and appearance of the Conservation Area. However it is considered that the harm generated would be modest and amount to less than substantial harm within the terms of paragraph 134 of the NPPF. The parapet height would match those of the nearby stone bridge directly to the east and also within the Conservation Area and the harm would be outweighed by the public benefit of providing safe access to properties on the south side of the Green without the need to provide timber balustrade which has proved difficult to maintain. At the same time it is felt that the fundamentally open character of the views through the Conservation Area along the alignment of the Green would be largely retained with the proposed parapet detail. The impact of the proposals upon the character and appearance of the Conservation Area would be broadly neutral and that the requirements of the statutory duty comprised within Section 72 of the 1990 Planning(Listed Buildings and Conservation Areas) Act would be fulfilled.

IMPACT UPON DEPOSITS OF ARCHAEOLOGICAL SIGNIFICANCE

4.8 The western bridge contains re-used early brickwork, has evidence of stone paving within the Beck bed and lies in close proximity to the site of the Medieval moated manor of Osbaldwick traces of which survived until the early 1990s. There is evidence of the banks around the western bridge having been raised by tipping of domestic waste in the late 18th/early 19th Century. Some of the tipped material comprising fragments of porcelain and glassware have begun to erode from the sides of the bank. There is also a possibility of evidence of leats to supply a continuous flow of water to the moat joining the Beck in the vicinity of the western bridge. In view of the significant potential for the survival of archaeological deposits particularly in the vicinity of the western bridge it is recommended that any permission be conditioned to require the undertaking of an archaeological evaluation before work is undertaken.

IMPACT UPON FLOOD RISK IN THE LOCALITY

4.9 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 seek to ensure that flood risk is not increased elsewhere. Policy ENV 4 of the (Emerging) Publication Draft Local Plan indicates that new development should not be subject to unacceptable flood risk and shall be designed in such a way as to mitigate against current and future flood events. The development involves the replacement of existing structures which are felt to have a low degree of vulnerability in flood risk terms. The bridge abutments for the new construction would match the pattern of the existing structures and would sit high within the Beck channel with a relatively shallowly defined arch. This is felt to be acceptable in ensuring efficient Beck flow with out each bridge acting as

an obstruction in the event of a severe weather event. The proposal is therefore felt to be acceptable in Flood Risk terms.

5.0 CONCLUSION

5.1 It is considered that the proposed replacement bridges would give rise to less than substantial harm to the significance of the Conservation Area in terms of the prominent east/west views along the alignment of the village Green and the Osbaldwick Beck. It is however felt that the harm is outweighed by the public benefit of being able to provide safe access to properties on the south side of the village Green without the two bridges having to be closed regularly for maintenance purposes. The proposed work is felt to be acceptable in flood risk terms and whilst the surroundings of the western bridge are felt to be archaeologically sensitive any harm can be satisfactorily mitigated by a requirement for an archaeological evaluation in advance of work being undertaken.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:- HU-DB-SR-682-17-02; HU-DB-SR-682-17-03.

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

3 VISQ8 Samples of exterior materials to be app

4 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief/excavation is required on this site during the demolition of the bridges and ground works for the new footings. The watching brief will become an excavation at the point where/if significant archaeological deposits are revealed.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed

WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

Reason: The site lies within an Area of Archaeological Interest and the development may affect important archaeological deposits which must be recorded prior to destruction.

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 including imposition of appropriate planning conditions, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

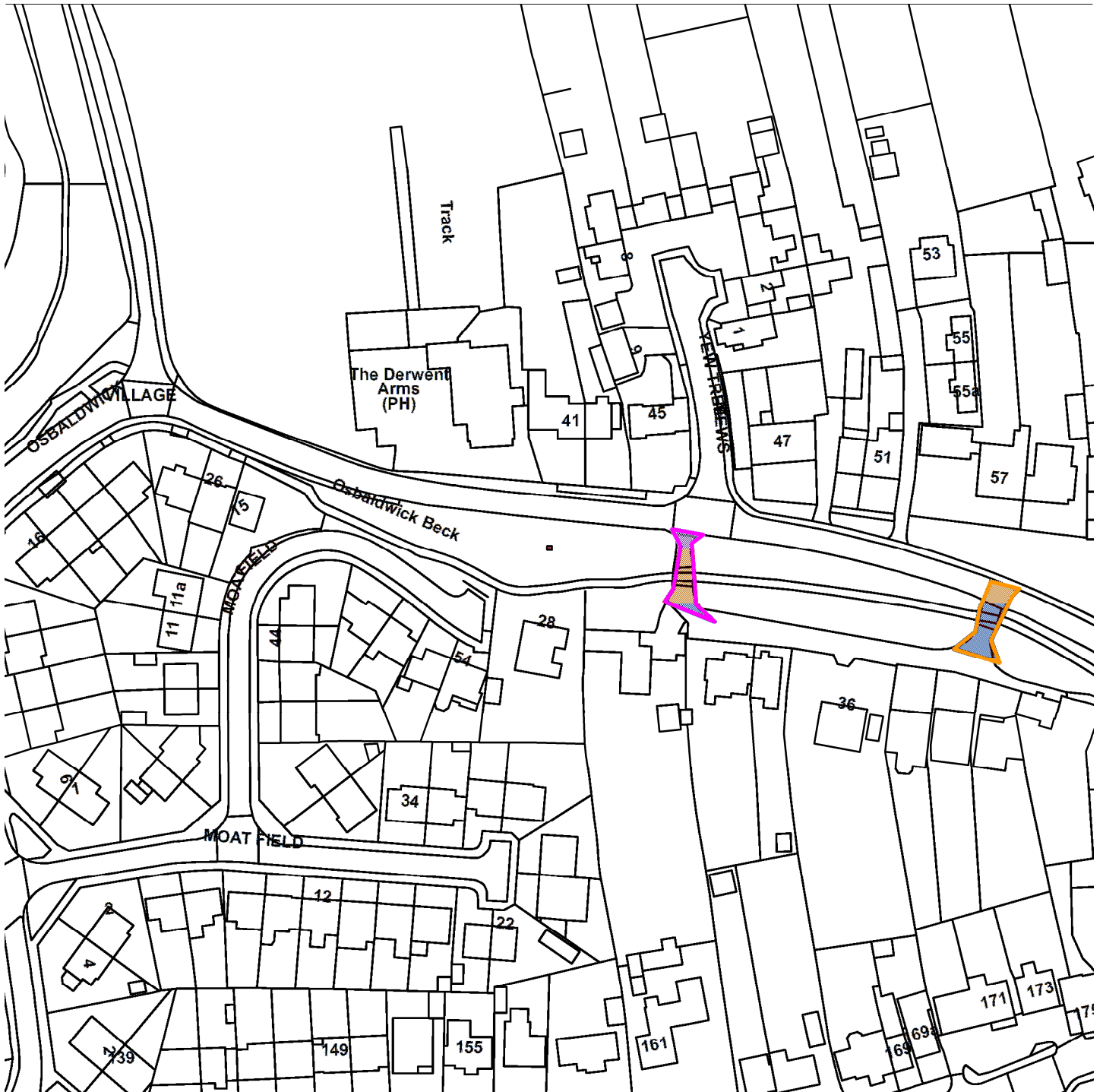
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

Village Green, Osbaldwick Village, Osbaldwick

17/02562/FUL



Scale : 1:1335

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|---------------------|---------------|
| Organisation | Not Set |
| Department | Not Set |
| Comments | Site Plan |
| Date | 26 March 2018 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 5 April 2018 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 18/00021/FULM
Application at: Plot 1B White Rose Close Nether Poppleton York
For: Erection of two storey vehicle dealership building
comprising of showroom, workshop facilities and associated
car parking
By: Mr Duncan Chapman
Application Type: Major Full Application (13 weeks)
Target Date: 10 April 2018
Recommendation: Approve subject to a Section 106 Agreement

1.0 PROPOSAL

1.1 The application site comprises a 0.85 hectare unused plot within the York Business Park. The site is bounded to the east by the East Coast Mainline, to the north by a series of pub and restaurant uses and to the south by an office development. The site is allocated in both the Development Control Local Plan and the (Publication) Draft Local Plan as employment land. Planning permission has previously been given for erection of a 1863 sq metre car dealership with associated facilities at the site ref:-16/00179/FULM.

1.2 Planning permission is now sought for erection of a 1,578 sq metre two storey car dealership building with ancillary facilities comprising servicing, valeting and 174 external car parking spaces, to relocate an existing dealership from elsewhere in the City. 2 additional jobs would be created.

1.3 On 19th July 2017, the Upper Poppleton and Nether Poppleton Neighbourhood Plan became the development plan for that area. Within the plan, the site is designated as green infrastructure.

2.0 POLICY CONTEXT

2.1 York Development Control Local Plan (2005) Policies:

CGP15A Development and Flood Risk
CYGP1 Design
CYE3B Existing and Proposed Employment Sites

2.2 (Emerging) Publication Draft York Local Plan Policies 2018:-

G12 Biodiversity and Access to Nature

Application Reference Number: 18/00021/FULM

Item No: 4e

EC2 Loss of Employment Land

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of details of any externally audible plant; a detailed lighting assessment, a CEMP(Construction Environmental Management Plan) and detailed remediation of any land contamination.

Planning and Environmental Management (Landscape)

3.2 Any response will be reported verbally.

Highway Network Management

3.3 No objection in principle to the proposal but seek a commuted sum payment of £5000 to cover the cost of a Traffic Regulation Order to deal with the issue of on-street parking in the surrounding area which would be impacted by the proposed development. Clarification is also sought in respect of the location and justification for the proposed security gate and the usage of demonstrator cars for the purposes of staff transportation. The applicant has subsequently addressed those issues to confirm that staff would have access to demonstrator cars for the purposes of going to and from work and to confirm that the proposed gate is purely for the purposes of security when the site is closed.

Planning and Environmental Management (Forward Planning)

3.4 Any response will be reported verbally.

Strategic Flood Risk Management

3.5 Object to the use of soakaways as a means of surface water drainage from the application site but would support surface water drainage by means of attenuated discharge to a water course as previously agreed in relation to the earlier permission.

Planning and Environmental Management (Ecology)

3.6 Raise no objection to the proposal subject to any permission being conditioned to provide mitigation measures in respect of newts crossing the site.

EXTERNAL

Environment Agency

3.7 No objection.

Ainsty (2008) Internal Drainage Board

3.8 No objection to the proposal subject to the submission and prior approval of a detailed drainage strategy for the site.

Yorkshire Water Services Limited

3.9 No objection subject to any permission being conditioned to require the submission and prior approval of a detailed drainage strategy for the site, the securing of maintenance "stand off for the trunk sewer crossing the site and the detail of the display podium to be erected above the water main in one area.

Nether Poppleton Parish Council

3.10 Raise no objection in principle to the proposal but wish to see any permission conditioned to require submission and prior approval of a lighting strategy and express concern in respect of the potential for displacement parking in the vicinity of the site entrance.

Network Rail

3.11 Raise no objection to the proposal subject to any permission being conditioned to secure the common boundary with the adjacent railway and the submission and prior approval of a detailed drainage scheme.

Neighbour Notification and Publicity

3.12 One letter of objection has been received stating the serious potential for an increase to the existing problem of on-street parking surrounding the site.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE

- Employment land issues;
- Impact upon local biodiversity;
- Impact upon the safety and convenience of highway users;
- Impact upon the local pattern of surface water drainage.

PLANNING POLICY

4.2 On 19th July 2017, the Upper Poppleton and Nether Poppleton Neighbourhood Plan became the development plan for this application site..

4.3 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.4 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management Decisions but any weight may be limited except where in accordance with the National Planning Policy Framework.

PRINCIPLE OF DEVELOPMENT AND EMPLOYMENT LAND ISSUES

4.5 The application site forms a large undeveloped section of the York Business Park which was granted outline planning permission in the late 1990s for a mix of B1 (business) and B8 (storage and distribution) uses. The proposed dealership whilst including elements of employment use including servicing and repair of cars and commercial vehicles and storage of vehicles for sale and awaiting repair would represent a change of use outside these use classes to a sui generis use and a loss of land for employment development. However, it is considered that there are material considerations which justify the proposed dealership which similarly applied in respect of the previous planning permission for the site ref:-16/00179/FULM and which remains extant.

4.6 The northern section of the Park has a concentration of car dealerships of some long standing, planning permission has been granted for similar proposal by Arnold Clark on a nearby site ref:-15/01307/FULM which has now been fully implemented. The proposal envisages the relocation of an existing dealership from Great North Way a short distance to the south west which has previously experienced difficulties in terms of accommodating its functional needs within the site and to cater for an expanding client base for Volvo cars. Twenty seven jobs would be relocated and two created.

4.7 The application site was historically the site of an outline planning permission for offices from 1999 and then speculatively for a Call Centre in 2006 but these were never implemented and have since expired. The site has subsequently been marketed unsuccessfully for employment use since 2006 as confirmed by additional information submitted in respect of the previous permission for the site. As such the

proposal is felt to be acceptable in terms of the loss of employment land and in terms of the other economic development benefits it would bring.

IMPACT UPON LOCAL BIODIVERSITY

4.8 Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to safeguard local biodiversity by ensuring that where significant harm arising from a development can not be avoided that it is adequately mitigated and that if that is not possible that planning permission should be refused. Policy G12 of the (Publication) Draft Local Plan indicates that any development where appropriate buffer zones around wildlife and biodiversity sites to ensure that the integrity of the site's interest is retained.

4.9 The site represents a good example of semi-improved natural grassland providing an important habitat for several important wild flower species such as the creeping cinqfoil and tufted vetch along with the small tortoiseshell butterfly. It is more importantly a foraging habitat for the kestrel. The Clifton and Rawcliffe Ings SSSIs lie within 700 metres to the east and south east of the site beyond the East Coast Main Line. Other sections of the Business Park to the south and south west have been designated as a SINC (Site of Interest for Nature Conservation) on the basis of the richness of their grassland habitat. However, the application site has not been so designated and providing the proposed landscaping to the site boundaries is executed as indicated and the level of lighting is controlled by condition attached to any planning permission, then the development is felt to be appropriate in terms of its impact upon local biodiversity. Further safeguards by condition are also recommended in respect of the prospects of newts foraging across the site.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.10 Concern has been expressed by an objector in respect of the access and servicing arrangements to the site and the level of additional traffic flows anticipated on the local highway network. A Transport Statement has been submitted which indicates that parking would be provided within the site for staff and customers in line with the authority's parking standards. Cycle parking would also be provided in line with the standards. The applicant has indicated that the site would be managed to ensure that not all the staff are on site at any one time so that the usage of the on site parking spaces would be managed and that there would not be an issue of the existing problem of on-street parking from adjoining offices being exacerbated. This can be secured by a requirement for a commuted sum payment secured by a Section 106 Agreement to ensure a Traffic Regulation Order for the adjacent roadway. The requirement needs to be assessed against the requirements of the 2014 CIL Regulations, specifically Regulations 122 and 123 to ensure that any requirements fairly and reasonably relate to the development being permitted and are necessary for the development to proceed. It is felt that in dealing with an on-

street parking issue that the proposal could significantly exacerbate the requirement is justified in accordance with the Regulations.

4.11 The applicant has confirmed that staff will have access to "demonstrator cars" for the purposes of getting to and from work which would have the effect of lessening the requirement for on-site staff parking and securing compliance with the requirements of Policy PNP4 of the Poppleton Neighbourhood Plan.. A single point of access is envisaged for staff and customer vehicles and service traffic as was envisaged in the previous planning permission. It is felt that the overall level of traffic generation would be below that previously anticipated in respect of the approved call centre use with an incidence of "linked trips" in terms of both retail and service customers. It is felt that the local road network within the Business Park and adjacent section of the A1237 outer ring road would be able to accommodate the additional levels of traffic generated.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.12 Central Government Planning Policy as set out in paragraph 103 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. Serious concerns have been expressed in terms of the suitability of surface water drainage by means of soakaway when tests undertaken in respect of the previous planning permission ref:- 16/00179/FULM had indicated that the site would not be suitable. A scheme of surface water drainage involving attenuated discharge to a water course had been previously agreed in respect of the previous proposal which has not been progressed with. It is therefore recommended that the previous condition seeking the submission of an attenuated scheme be reincorporated in any planning permission.

4.13 Concern has been expressed by consultees in relation to the potential for development in proximity to the trunk surface water sewer crossing the site. The proposed development has been located to avoid developing within the vicinity of the sewer or its associated easement. Concern has also been expressed in respect of the construction of an external display area partially above the water main crossing the site. It is recommended that any permission be conditioned to require prior approval of details of the display area.

OTHER ISSUES

4.14 The applicant's have submitted a detailed BREEAM pre-assessment report indicating that the scheme has been designed to achieve a BREEAM rating of "very good". Energy use would be approached through a "fabric first" design response with enhanced energy controls and insulation. Potable water use would be reduced by 25% compared with their existing operation. Welfare and shower facilities would be provided to encourage staff members to cycle and a "sustainability champion"

would be appointed for the site. The proposal is therefore felt to be acceptable in sustainability terms.

5.0 CONCLUSION

5.1 The application site comprises a large vacant plot within the York Business Park bounded by the East Coast Main Line to the east which has previously been given planning permission for a call centre in 2006 and more recently for the construction of a motor vehicle dealership (16/00179/FULM) which remains extant. The site has been marketed unsuccessfully for the previously permitted employment use for a significant length of time and the proposed development would be an appropriate use of the site providing some employment opportunities. The proposal would not materially harm local biodiversity and is acceptable in terms of its impact upon the local surface water drainage network and local public drainage infrastructure subject to the provision of a scheme of attenuation of flows to a water course. The proposal is also felt to be acceptable in highway terms subject to a requirement for a contribution of £5,000 to secure a Traffic Regulation Order and works in relation to parking in surrounding side streets that may be secured by a Section 106 Agreement. This is compliant with Regulations 122 and 123 of the 2014 CIL Regulations as relating to an on-street parking issue which without the measures could be significantly exacerbated.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve Subject to a Section 106 Agreement to secure a contribution of £5000 towards a Traffic Regulation Order and works to address parking issues on surrounding streets

1 TIME2 Development start within three years

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

Drawing Refs: 626-01B; 626-02B; 626-03A; 626-04E; 626-05C; 626-07;626-08; 626-09; 626-10A; 626-13.

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

3 VISQ8 Samples of exterior materials to be app

4 VISQ4 Boundary details to be supplied

5 LAND1 IN New Landscape details

6 HWAY14 Access to be approved, details reqd

7 HWAY18 Cycle parking details to be agreed

8 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 approved plans 626-04E and 626-05C. 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.

9 LC4 Land contamination - unexpected contam

10 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval prior to the commencement of works on site above foundation level. 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 the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

Reason: To protect the amenity of local residents

11 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

12 Prior to the undertaking of construction works above foundation level a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all

buildings within 100 metres of the edge of the site boundary, shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall include all necessary mitigation measures to lessen impact from lighting upon the surrounding areas including the adjacent wildlife habitat and shall be provided in full before the development is first brought into use and maintained thereafter.

Reason:-To protect the amenity of the area and adjoining land uses

13 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.

14 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, infiltration system and watercourse in that priority order, soakaways having previously been demonstrated to be infeasible. 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 SuD's.

If SuD's methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak 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.

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

the proper and sustainable drainage of the site.

15 Prior to the commencement of the development hereby authorised above foundation level full details of the proposed vehicle display podium including the relationship with the water main crossing the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard public infrastructure

16 No development, including pre-commencement site clearance, shall take place until a Reasonable Avoidance Measures (RAM) Method Statement for Great Crested Newts has been submitted to and approved in writing by the local planning authority .The RAM Method Statement shall include the following.

- a) Project and ecological background.
- b) Development proposals - site preparation and construction works.
- c) Risk assessment - working areas; potential impacts of works; assessment of impacts
- d) Method of working - surface vegetation removal and site preparation works; ongoing construction related activity; action on discovery of Great Crested Newts.
- e) Figures/plans.

Reason: To avoid harm to a species protected under the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981 (as amended).

17 EPU1 Electricity socket for vehicles

18 Unless otherwise approved in writing with the Local Planning Authority, prior to commencement of development above foundation level the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

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 including imposition of appropriate planning conditions, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. NETWORK RAIL INFORMATIVE:-

By virtue of the proximity of the site to the railway line Network Rail have the following requirements:

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour

of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In this instance, the proposed development borders access to a bridge under the railway along its south eastern boundary and this access must remain open and unobstructed at all times both during and after construction at the site.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

3. WILDLIFE AND COUNTRYSIDE ACT 1981:-

It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed and Himalayan balsam are included within this schedule.

All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

Further information is available from the Non-native Species Secretariat (NNSS) web site and further advice for the construction industry on legal responsibilities when dealing with Japanese knotweed, giant hogweed and other invasive plants is available on Netregs <http://www.netregs.org.uk>

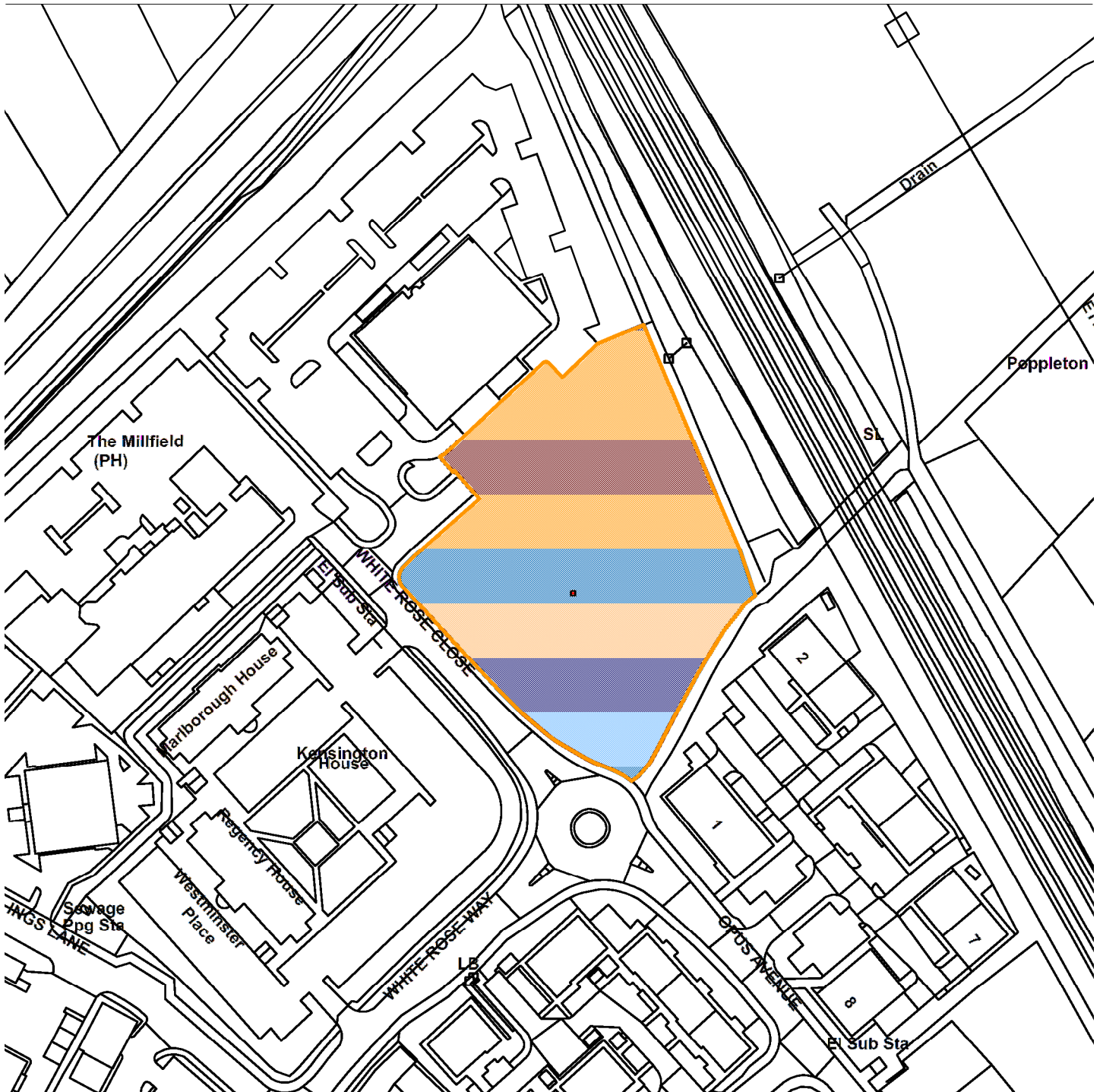
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Plot 1B - Call Centre, White Rose Close, Nether

Donkington
18/00021/FULM



Scale : 1:1745

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| Organisation | Not Set |
| Department | Not Set |
| Comments | Site Plan |
| Date | 26 March 2018 |
| SLA Number | Not Set |

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