



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

- To:** Councillors Reid (Chair), Boyce (Vice-Chair), Shepherd, Ayre, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, K Taylor and Warters
- Date:** Thursday, 21 February 2019
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Site Visits

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Tuesday 19 February 2019**

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. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5:00pm on Wednesday 20 February 2019. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

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

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3. Plans List

This item invites Members to determine the following planning applications:

a) Land To The North And East Of Grid House, Metcalfe Lane, Osbaldwick, York [18/01778/FULM] (Pages 5 - 34)

Erection of 40 dwellings with associated roads, landscaping and public open space [Osbaldwick and Derwent Ward] [Site Visit]

b) Former Del Monte Site, Skelton Park Trading Estate, Shipton Road, Skelton, York [18/01558/REMM] (Pages 35 - 60)

Erection of 77 no. dwellings, areas of open space, access road and associated infrastructure pursuant to outline approval 14/01478/OUTM [Rural West York] [Site Visit]

c) Former Del Monte Site, Skelton Park Trading Estate, Shipton Road, Skelton, York [18/02583/FUL] (Pages 61 - 76)

Change of use of land to public open space with landscaping [Rural West York] [Site Visit]

d) Forest Hill Farm, Pottery Lane, Strensall, York [16/01061/FUL]
(Pages 77 - 96)

Change of use of land and building to a bus depot including an extension to the north elevation of the main building complex and a detached single storey office building, and hardstanding (retrospective) (resubmission) [Strensall Ward] [Site Visit]

e) OS Field 5070, Hull Road, Dunnington, York [18/02659/OUT]
(Pages 97 - 110)

Outline application seeking approval for the layout and appearance of an energy storage facility with up to 25 battery storage units along with ancillary structures including switchgear, transformer, standby emergency generator and 2 containers enclosed with steel palisade fencing and screened with landscaping [Osballdwick And Derwent Ward] [Site Visit]

f) Infinity Motorcycles, 46 Piccadilly, York [18/01296/FULM]
(Pages 111 - 144)

Erection of part 6/part 7-storey hotel (143 bedrooms) with 6-storey apartment block (8 apartments) following demolition of existing buildings [Guildhall Ward]

4. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

Abbreviations commonly used in Planning Reports

(in alphabetical order)

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

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

PLANNING COMMITTEE

SITE VISITS

Tuesday 19 February 2019

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

TIME (Approx)	SITE	ITEM(S)
10.20	Former Del Monte Site, Skelton Park Trading Estate, Shipton Road, Skelton, York	3b & 3c
11.10	Forest Hill Farm, Pottery Lane, Strensall, York	3d
11.50	Land To The North And East Of Grid House, Metcalfe Lane, Osbaldwick, York	3a
12.30	Os Field 5070, Hull Road, Dunnington, York	3e

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COMMITTEE REPORT

Date: 21 February 2019 **Ward:** Osbaldwick And Derwent
Team: Major and **Parish:** Osbaldwick Parish
Commercial Team Council

Reference: 18/01778/FULM
Application at: Land To The North And East Of Grid House Metcalfe Lane
Osbaldwick York
For: Erection of 40 dwellings with associated roads, landscaping
and public open space
By: Mr Andrew Black
Application Type: Major Full Application (13 weeks)
Target Date: 16 November 2018
Recommendation: Approve

1.0 PROPOSAL

PROPOSAL

1.1 The application concerns an area of land approximately 1.49 hectares in size located to the west of Metcalfe Lane and was formerly owned by National Grid. It is part of a larger residential development scheme approved at outline stage by the Secretary of State in 2007 (03/02709/OUT). Reserved matters approval for the four quadrants of the development has subsequently been granted. This proposal relates to an area of land within Phase 3 (sitting between phase 1 to the south and phase 4 to the north) that was granted approval under reserved matters consent 12/01878/REMM for 39 dwellings. The reserved matters approval gave consent for 269 dwellings within Phase 3 with access from Fifth Avenue. The application site lies within flood zone 1.

1.2 The current proposal seeks full planning approval to erect 40 dwellings following a re-design of the layout of this part of phase 3 to accommodate the retention of two electricity pylons and overhead lines that cross the northern section of the application site and Grid Cottage which is in private ownership and lies to the west of the application site. The power lines were intended to be laid underground, but National Grid are unable to provide this undertaking and a stand off zone distance set by the grid operator, Northern PowerGrid needs to be adhered to if the power lines have to remain overhead. The retention of the cables effectively neutralises the land beneath them and within a safety clearance distance of 11m either side of the power lines.

1.3 Access to Phase 3 would remain unchanged. The number of dwellings would increase by one to 40 through the extension of the built area into a parcel of land that lies to the north of the main National Grid site and was part of it, but previously proposed to be converted to open space as part of Field 9 to the east. The mix of

house types is as follows: 2 no. two bedroom houses, 34 no. three bedroom houses and 4 no. four bedroom houses. Of these, 31 would be market housing, 5 social housing and 4 intermediate housing.

1.4 Revised plans have been submitted during the course of the application to address issues raised by consultees, most notably the Council's Ecologist and Highway Engineer.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

1.5 The site area does not exceed 5 hectares and the number of units is less than 150 dwellings and therefore the application falls below the threshold stated in the Town and Country Planning (Environmental Impact Assessment)(Amendment) Regulations 2015. The application, whilst related to an existing approved application that was accompanied by an EIA does not constitute a subsequent application as defined in the EIA regulations.

2.0 POLICY CONTEXT

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

2.2 National Planning Policy Framework (July 2018)

2.3 Draft York Local Plan (4th set of changes)(2005) - relevant policies include:

- CYGP1 – Design
- CYGP3 – Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 – Contaminated Land
- CYGP9 – Landscaping
- CGP15A – Development and Flood Risk
- CYNE1 – Trees, woodland, hedgerows
- CYNE6 – Species protection
- CYNE7 – Habitat protection
- CYGB1 – Development in the Green Belt
- CYT4 – Cycle parking standards
- CYH1 – Housing Allocation
- CYH2A – Affordable Housing
- CYH3B – Managed Release
- CYH3C – Mix of Dwellings
- CYH5A – Residential Density
- CYED4 – Developer Contributions towards Education
- CYL1C – Provision of New Open Space in Development

2.4. Publication Draft Local Plan (2018) – relevant policies include:

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- H2 – Density of Residential Development
- H3 – Balancing the Housing Market
- H10 – Affordable Housing
- HW3 – Built Sport Facilities
- HW7 – Healthy Places
- D1 – Landscape and Setting
- D2 – Placemaking
- GI2 – Biodiversity and Access to Nature
- G14 – Trees and Hedgerows
- GI6 – New Open Space Provision
- GB1 – Development in the Green Belt
- CC1 – Renewable and Low Carbon Energy Generation and Storage
- CC2 – Sustainable Design and Construction
- ENV1 – Air Quality
- ENV2 – Managing Environmental Quality
- ENV3 – Land Contamination
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage
- T1 – Sustainable Access
- DM1 – Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development (Ecology)

3.1 The proposal would result in the loss of existing scrub and trees from around the perimeter of the National Grid site, along the land to Grid Cottage and to the east of Phase 4. However, the main part of the scheme, plots 4-20, is not significantly different from that previously approved under 12/01878/REMM. The approved revised Phase 4 layout encroached onto Field 9, but retained the existing vegetation on the western boundary with the land north of Grid Cottage. There is approx. 60m of mature native species hedge line that would be lost to the rear gardens of plots 31-40 and the turning head would result in the loss of part of the northern boundary vegetation. The positioning of the sub-station in the south of the site will also result in the loss of part of the hedgerow/scrub on the western boundary.

3.2 In response to the updated landscape masterplan and lighting scheme, requests conditions to secure the landscaping and lighting schemes and makes following comments:

3.3 The substation on the western boundary has been re-located, so protecting hedgerow. The footpath on the north site boundary has been removed, thereby reducing unnecessary light spill onto Field 9. The new native species hedging on the eastern boundary is positive, though requests removal of lighting column 6A to reduce light spill onto adjacent habitat which is shown as being higher than tolerable for common species of bats most likely to be found in this area. Other site lights will be fitted with a shield to help minimise light spill.

3.4 The landscape plan retains and enhances areas of existing scrub around the pylons and on the southern boundary of the site. However there will still be a loss approx 60m of mature nature species hedge line/scrub where there will be the rear gardens of Plots 31-40. The turning head for these houses would also result in the loss of part of the northern boundary vegetation. The approved application for the Phase 4 revised layout encroached onto Field 9 but retained this existing vegetation.

3.5 The loss of mature native species hedge/scrub through the building of Plots 31-40 does not make the scheme unacceptable but is regrettable, particularly in the context that this had been shown as retained in the approved plans for Phase 4 of the development.

Highway Network Management

3.6 Acceptable in principle. Road access and layout, parking provision and levels, refuse and servicing acceptable. Detailed matters to be resolved, which would be covered through Section 38 agreement, including road materials. Conditions requested.

Flood Risk Management

3.7 Surface water disposal proposals – Raised issues to be addressed in terms of investigation of SuDs and discharge rates, which can be covered by condition.

3.8 Foul water disposal - As per YWS response dated 11th September 2018 and their recommended conditions.

Public Protection

3.9 Construction Noise and Dust - As there are residential properties close to the site, recommend that controls are put in place by condition to minimise noise, vibration and dust during demolition and construction.

3.10 Air Quality - No objections, but request facilities be incorporated to facilitate electric vehicle charging in line with paragraph 110 of the NPPF.

3.11 Contaminated Land - A site investigation report and contamination report have been submitted. The site investigation report concludes that the preliminary results classify the site as falling within Characteristic Situation 1 although this is dependent on the further three rounds of monitoring that still need to be completed. The contamination report recommends that contaminated soils are removed as part of the development of the site and that all materials used for landscaping in garden/communal areas are tested to ensure suitability. Further, it recommends that following removal of the soils and concrete plinth sampling should be undertaken on exposed soils to be checked for contamination. Reports are generally acceptable. Recommends conditions be attached.

Education Facilities

3.12 An education contribution is required for secondary age provision (6 anticipated secondary pupil yield x 17,251 cost multiplier 2018/19 =£103,512).

Public Health

3.13 A financial contribution of £25,986 is requested based on the size of the development and mix of dwelling. The area around the development has a deficit of 3.16ha of sports pitches. The contribution would be used to upgrade the sports pitches on the Burnholme Sports Centre site.

Housing

3.14 The Housing Strategy and Development Team support this application. It complies with the council's submitted Local Plan policy H10 by providing 20% affordable housing on a Brownfield site. The tenure and house type mix have been considered in the context of the wider Derwenthorpe scheme, which has delivered substantially in excess of the policy requirement level of affordable housing for the highest demand social rented family house types. The homes are pepper-potted throughout the site to facilitate a mixed and sustainable community, and the high quality homes will be managed by the developing Registered Provider.

3.15 The affordable housing will be fixed for a period of three years. Should the development have not meaningfully progressed during this period the level of affordable housing will be revised in line with the council's target applicable at that time.

3.16 The Housing Strategy and Development Team welcome this application which will deliver much-needed new quality affordable homes and expand the popular and sustainable Derwenthorpe scheme.

EXTERNAL

Environment Agency

3.17 The proposed development site may have been subject of past activity which poses a risk of pollution to controlled waters. Following recently revised priorities, the EA is unable to provide detailed site-specific advice relating to land contamination issues at this site. Advise reference to EA published 'Guiding Principles for Land Contamination' which outlines the approach to managing risks to the water environment from this site. Advise consultation with Council's Environmental Protection Department. Recommend procedures and good practice regarding land contamination and highlight code of practice for waste on site and taken off site.

Yorkshire Water

3.18 Request conditions to protect the local aquatic environment and YW infrastructure. A water supply can be provided. The Flood Risk Assessment submitted is generally acceptable. In summary it states that foul water will discharge to unmapped foul system via pumping station. The off site connection point for foul water to the public sewer network and the proposed foul water pumped rate is required before this can be agreed. In terms of surface water disposal, this will discharge to watercourse via existing swale which is acceptable. The landowners consent will be required for the construction of a new outfall structure. As surface water is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been undertaken.

Natural England

3.19 No comments to make. Natural England has not assessed this application for impacts on protected species. The lack of comment from Natural England does not imply that there are no impacts on the natural environment. Reference made to standing advice and NE guidance.

Foss Internal Drainage Board

3.20 The site sits close to the Drainage Board's District and watercourse Osbaldwick Beck. The Board has no objection to the principle of development, but recommends that the applicant be asked to clarify the drainage strategy and prove any connectivity that they are claiming to enable an evaluation to be undertaken in flood risk terms. Conditions requested.

Yorkshire Wildlife Trust

3.21 The Trust is happy with the amount of detail provided by the Preliminary Ecological Appraisal by Brooks Ecological. The suggestions for mitigation for any loss of biodiversity and enhancement could be conditioned. There may also be opportunities for connectivity to ecological features provided in previous phases of the development.

National Grid

3.22 No objection to the proposal which is in close proximity to our high voltage transmission underground cable.

Cadent Gas Limited

3.23 As proposed activity is in close proximity to National Grid's Transmission assets, request that work does not commence until hear from Asset Protection Team. Contractor should contact Plant Protection before works are carried out.

North Yorkshire Police

3.24 Having reviewed the documents submitted, it is pleasing to note that recommendations for designing out crime, as part of a pre-planning application consultation have been considered. The design and layout of this proposal is considered acceptable.

Osballdwick Parish Council

3.25 Previous objections and comments with regard to earlier applications have largely been ignored in the past, many of these comments have related to entirely predictable adverse effects both in terms of design and layout as well as the actual construction process. The PC have no faith in the local planning authority to address any points in the current submission.

3.26 Design and Layout - As with other phases there are too many houses crammed into too small a space with a highway network too small to accommodate traffic levels typically associated with the development. Road width is too narrow and parking provision totally inadequate leading to displaced parking on landscaped areas. Pleased to see that the private access to Grid Cottage is maintained but question how this will operate. Proposals incorporate an excessive amount of street-lighting - adjacent to field 9 wildlife area and adjacent to Green Belt. Object to use of ugly PV panels as proposed on some of the units and would suggest that all be fitted with solar roof tiles.

3.27 Landscape - Object to further loss of any hedgerows despite commitments to mitigate such losses on earlier phases the applicant and contractor have

demonstrated a complete indifference to protection of hedgerows in this site. CYC have seemed equally indifferent to enforcing retention or replacement planting and what has occurred has largely been a result of 'robust' correspondence by the Ward Councillor. No faith in JRHT due to ongoing neglect of the retained meadowland on Phase 3.

3.28 Construction process - Deep concerns as to implications of construction in this area. No construction vehicles should be permitted to use Metcalfe Lane for access/egress/parking and the public's enjoyment of these PROWs should not be compromised in any way. Remain sceptical as to CYC fulfilling its duties with regard to the PROWs adjacent to the site. Construction route should be taken via Phase 3 and out through Fifth Avenue as set down in planning conditions imposed by the plan in inspector following the 2006 public inquiry. Request construction traffic and working hours are rigorously enforced.

3.29 Planning obligations - Request that unfulfilled planning obligations are addressed before planning permission is granted including:- retained meadowland in phase 3; construction of footpath/cycle link to Burnholme development; diverted Bridleway on phase 4; Derwenthorpe Partnership Advisory Committee to meet.

PUBLICITY AND NEIGHBOUR NOTIFICATION

St Aelred's Primary School

3.30 Comment as follows:

- Raise concerns about highway safety along Fifth Avenue relating to construction traffic, narrow road width, park cars, lack of footpath within Derwent Way, poor road surface along Fifth Avenue, road flooding and pressure for parking due to large school catchment area;
- Construction traffic should not be using Fifth Avenue during and either side of school opening and closing times, which has not been enforced;
- Lack of notification about this application and difficulty finding application online;
- Proposed housing will increase road journeys on Fifth Avenue and perpetuate current highway conditions;
- There is no travel appraisal that takes account of the school;
- Fifth Avenue has experienced a disproportionately high level of adverse effects on amenity as a result of noise and disturbance and pollution - an alternative access and egress measures are considered and implemented for Phase 5 to ameliorate these impacts and restrict further deterioration of the highway;
- Welcome the opportunity to discuss in more detail the influences the scheme has had on the school in terms of numbers of pupils and additional financial obligations.

Local residents

3.31 Petition with 55 signatories of residents of Fifth Avenue - strongly object:

Application Reference Number: 18/01778/FULM

Item No: 3a

- Construction traffic has compromised structural integrity of the road and houses and is detrimental to the environment and children's health. Construction traffic does not adhere to agreed restrictions at school entrance and exit hours or start tie in morning.
- Road within the site has no pavements in the perimeters of the development meaning children must walk down the centre of the road. The road is un-adopted and so there is no maintenance causing flooding of the area as the drains are not cleaned and are full of construction waste.
- The houses and school cannot receive fibre and lighting is sparse and unrepaired meaning low visibility. Request an alternative route would be a better solution.
- No signs have been placed in the area of Fifth Avenue.

3.32 Comments from 3 no. residents living within the Derwenthorpe development:

- Strongly object to noise, disruption, damage to road and houses and danger to children from high volumes of traffic.
- Concerned about access during build and when occupied as it is already a very busy route.
- Inspector allowed access along Fifth Avenue 13 years ago and now 70 properties in Derwenthorpe front directly onto the construction traffic road and at a distance of 5m or less.
- Other points of entry/access should be considered both for new residents and construction traffic, such as Meadlands or Metcalfe Way.
- No confidence in applicant or builders to impose or enforce measures to slow down traffic and restrict access times.

3.33 Comment from 2 residents living on Fifth Avenue:

- No objection to the development, but object to continued use of Fifth Avenue as main access and egress to the site.
- Experience is that developers and suppliers rarely comply with restrictions in place causing severe disruption during school drop off and pick up and causing damage to the road and houses.
- Construction traffic route should be from Hull Road through Osbaldwick Village.

3.34 Comment from 1 resident of Burnholme Avenue:

- Concern about access from Fifth Avenue due to parked cars, damage to road surface and accident risk.
- Houses should be for families rather than buy to let.

4.0 APPRAISAL

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

- Principle of development;

- Green Belt policy;
- Access and highway issues;
- Design and visual amenity;
- Residential amenity;
- Contamination;
- Ecology;
- Archaeology;
- Flood risk and drainage;
- Impact on local facilities;
- Housing and affordable housing;
- Other considerations.

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises 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 and the neighbourhood plans for Poppleton and Rufforth with Knapton. The neighbourhood plans are not relevant to the determination of this application. The Saved RSS 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. 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.

Draft Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2. The site is identified as a housing site on the Proposals Map accompanying the 2005 Draft Plan.

Emerging Local Plan

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the

NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

4.5 Relevant policies are set out in section 2. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The site lies within the built-up area of the City outside, but adjacent to the Green Belt inner boundary with areas of open space on the Proposals Map that accompanies the 2018 Draft Plan.

National Planning Policy Framework

4.6 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2018) places emphasis on achieving sustainable development. The relevant chapters of the Framework include 5 'Delivering a sufficient supply of homes', 11 'Making effective use of land', 12 'Achieving well-designed places', 13 'Protecting Green Belt land', 14 'Meeting the challenge of climate change, flooding and coastal change' and 15 'Conserving and enhancing the natural environment'.

PLANNING BACKGROUND AND HISTORY

4.7 Outline planning permission (ref. 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540 dwellings on land to the west of Metcalfe Lane, Osbaldwick. Means of access and the general landscaping structure were approved as part of the outline consent. The scheme involved a sustainable urban extension to the east of the City with a high proportion of affordable homes that would be retained and managed by JRHT. The general layout of the development, its division into four neighbourhoods each with its own individual vehicular access point, the size and shape of these neighbourhoods and the approximate number of dwellings within each one, along with the general location of public open space, were established through an illustrative masterplan and design documents submitted in support of the outline planning application. Reserved matters consent for siting, design, external appearance and detailed landscaping were subsequently approved. Reserved matters for the phase the subject of this application were approved in 2013 (12/01878/REMM).

4.8 Phases 1 and 2 of the development (Neighbourhood D accessed from Osbaldwick Village and Neighbourhood C accessed Temple Avenue respectively) have been built and are now occupied. Phases 3 and 4 (respectively Neighbourhood A accessed from Fifth Avenue and Neighbourhood B accessed from Meadlands) are under construction with a large proportion of the homes completed and occupied.

4.9 Changes were made to Phase 4 of the scheme under a full planning application (ref. 16/00342/FULM), as a result of the retention of overhead electricity lines, which neutralised an area of land previously to be built on. Instead, this area of land was kept as public open space and a section of land to the western end of field 9 (to the south of Phase 4) was proposed to have six houses built on it. The application was approved in November 2016.

PRINCIPLE OF DEVELOPMENT

4.10 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The 2005 Draft Local Plan proposals map identifies the site for housing development, but the Secretary of State in considering the outline application proposal concluded that the land was part of the Green Belt. The Secretary of State considered that the site fell outside the categories of development that are considered in policy to be appropriate in the Green Belt and attributed substantial weight to the definitional harm.

4.11 Whilst the 2005 and 2018 draft Local Plans remove the site from the Green Belt, both of these plans carry limited weight. It is noted that the site is not included in any specific area of the Green Belt that is considered to positively contribute to the historic character and setting of the York Green Belt, being its main purpose, in the 2003 Green Belt Appraisal document. However, in line with the Secretary of State's decision post this document, and until the emerging Local Plan has been adopted, it is considered that the site falls within the general extent of the Green Belt. In accordance with paragraph 11 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations. Instead, the more restrictive policies in section 13 of the NPPF apply.

GREEN BELT POLICY

4.12 The NPPF at paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and permanence. Paragraph 134 sets out the five purposes of the Green Belt:

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

Inappropriateness

4.13 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

4.14 The proposal involves the redevelopment of the former National Grid site. Paragraph 145(g) of the NPPF includes the complete redevelopment of previously developed land as appropriate development providing that it would have no greater impact on the openness of the Green Belt than the existing development. Certain other forms of development, being related engineering operations, are also not inappropriate under paragraph 146(b) providing they preserve openness and do not conflict with the purposes of including land with the Green Belt.

4.15 The proposal would involve the erection of 40 dwellings and associated roads on land that is currently level and enclosed by a palisade fence and vegetation. The proposal would therefore have a greater impact on the openness of the site and the contribution it makes to the wider openness of the Green Belt than the existing development. It would therefore constitute inappropriate development for the purposes of the Green Belt policy tests. For inappropriate development to be acceptable, very special circumstances must exist, but will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Impact on openness and Green Belt purpose

4.16 The site falls within a larger residential development that has outline planning consent that has been implemented and is being constructed with two phases complete and the remaining two phases part occupied. The current application seeks full planning approval to re-position the properties within part of Phase 3 of the approved outline scheme to take account of the retention of overhead electricity cables and two support pylons within the site along with the required 11m safety clearance distance from the cables and the separate ownership of Grid Cottage.

4.17 The Secretary of State, in granting outline consent, identified that the residential development of the land resulted in limited harm and concluded that the site did not fulfil any purpose of Green Belt set out in paragraph 80 of the then NPPF (2012), in particular the preservation of York's historic setting and special character. In light of the previous outline consent for residential development of the land and the fact that this full application seeks to re-site houses within the overall extent of the outline development site that are similar in scale, layout and appearance, the proposal would not cause further harm to openness and purposes of the Green Belt. However, although the harm to openness is considered to be limited, it still needs to be given substantial weight by the decision maker.

Very special circumstances

4.18 As stated above, the site has an extant consent for redevelopment as part of the 2007 outline planning permission and subsequently approved reserved matters, which would see housing development extend across the whole area of land to its boundary with Metcalfe Lane. This is the basis of the case for very special circumstances.

TRANSPORT AND HIGHWAY ISSUES

4.19 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The proposal relates to an approved sustainably located and accessible residential development that forms an extension to the main urban area of the City. The dwellings would be accessed via Fifth Avenue as previously approved through the outline planning application.

(i) Construction traffic

4.20 Concern has been expressed by residents of the Derwenthorpe development and Fifth Avenue and St Aelred's School about the continued use of Fifth Avenue and Derwent Way (the main spine road from Fifth Avenue to the community hub building) as the access for construction vehicles. The residents and school cite the inappropriate road layout for construction vehicles, lack of compliance with the legal agreement requiring a construction traffic management plan, increased numbers of children living in the scheme and the potential for highway safety problems. There has also been representation from Osbaldwick Parish Council seeking confirmation of the agreement for all construction vehicles to continue to use Fifth Avenue.

4.21 The original outline application approved the site access via Fifth Avenue due to its proximity to the strategic road network and layout of the road. This application relates to part of Phase 3, with the rest of the phase being built as part of the original outline and reserved matters consents. It proposes 40 dwellings in comparison to the 39 approved in the same area under reserved matters consent; therefore, only one additional dwelling. Further, it would be very difficult to determine which

construction vehicles ought to be accessing this full planning permission element or the remainder of the land within the phase 3 reserved matters approval. In terms of alternative accesses, it is understood that Metcalfe Lane is privately owned with a right of access for vehicles to access Grid Cottage and operational vehicles serving the former National Grid site. Access through Meadlands would be problematic as it would open up a vehicle route between Phases 3 and 4, which was intended to be pedestrian and cycle access only, or involve the removal of more vegetation. Enforcement of any alternative construction traffic management arrangements would not be practicable, and thus could not be controlled through condition as it would not meet the tests set out in the NPPF (paragraph 55).

4.22 In the event, the Council's Local Highway Authority considers it appropriate for the current access arrangements for construction traffic to be continued and points out that the internal highway from Fifth Avenue has been designed to naturally constrain vehicle speeds (to 20 mph or below) through the use of localised pinch points, managed on-street parking and building alignment. The road has been designed to accommodate public transport and is therefore considered suitable as a route for construction traffic.

(ii) Post construction traffic

4.23 The main changes that impact on highway considerations relate to the internal road layout and parking provision. The hierarchy of roads within the quadrant remains the same with a circular outer road ("green lane") and internal home zones. The new section of road serving the 6 no. dwellings on Field 9 is accessed by the green lane and has adequate space to turn. Parking provision is provided on a 1:1 basis, as intended for the development site as a whole with visitor spaces and city car club spaces being distributed across the phase. The revised scheme includes 6 visitor spaces and 2 car club spaces. It includes the retention of the existing public right of way cycle/footpath that runs along the eastern boundary from Meadlands to the north, via Phase 4 to the Sustrans cycle route, diverted onto the internal roadway; this is as originally approved under outline and reserved matters consent. The existing means of access to Grid Cottage from Metcalfe Lane would be maintained via a gate controlled by the owners, details of which would need to be conditioned.

4.24 No objections have been raised in principle by the Local Highway Authority, subject to conditions relating to highway and parking related matters and Section 106 contributions relating to sustainable travel initiatives.

(iii) Sustainable transport

4.25 One of the key principles of the Derwenthorpe housing scheme is its sustainable and accessible location and encouragement of sustainable transport. The development is an urban extension site with four accesses allowing connections to the surrounding built up areas and facilities. Parking is restricted within the scheme to 1:1, with the exception of some larger properties. A package of

sustainable transport measures is required through legal agreement including financial contributions towards the establishment of a site-specific car-club and the provision of a contribution towards a cycle or bus pass for the first occupier. These obligations apply to this revised layout for part of phase 4 and are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and,
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply to Regulation 122 of the 2010 CIL Regulations. These contributions would also comply with Regulation 123 as there have not been 5 or more separate obligations which provide funding or provision of that project or type of infrastructure since 2010.

4.26 Overall, it is considered that the access and parking arrangements proposed are acceptable and would not have a detrimental impact on highway safety, subject to conditions and planning obligations. There is no further harm identified as a result.

DESIGN AND VISUAL AMENITY

4.27 Chapter 12 of the NPPF gives advice on design, placing great importance on the design of the built environment. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character whilst not stifling innovation, establish a strong sense of place, and create safe and accessible environments. It goes on to say that great weight should be given to outstanding or innovative designs which help raise the standard of design in the area (para.131). At paragraph 130, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These aims are reflected in draft Local Plan policies GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 emerging Local Plan.

4.28 The proposal would alter the layout of the larger residential development and reconfigure the open space within this part of the larger scheme by introducing 6 no. houses on the land to the west of Field 9 and west of the 6 no. houses approved under the full application to revise the layout for Phase 4. The houses would back onto one another. The area of land under the pylons and cables that cannot now be developed for housing, would be partially landscaped and would read as part of Field 9 to the north of the phase. Overall, the existing structural open space layout would be retained.

4.29 The revised scheme would follow the overall approach and design of the larger residential development, with the emphasis on the creation of a sustainable, accessible and cohesive community and utilising existing house types with a similar

palette of materials and fenestration details. The Design and Access Statement submitted with the application states that the homes are proposed to be environmentally friendly and economical to run and are to be built to Joseph Rowntree Foundation 'Lifetime Homes' standard. There would be a mix of house types ranging from 2 to 4 bedroom properties arranged in terraces, semi-detached and detached forms, with the majority of houses (85%) being three bedroom. There would be a cohesive character and appearance to the approved housing within the Derwenthorpe development.

4.30 The Police Architectural Liaison Officer raises no concerns or issues with the revised layout with regards to opportunities for crime. A condition covering detailed landscaping for the development is required if the application is approved.

4.31 As such, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the area and there would no further harm to Green Belt.

RESIDENTIAL AMENITY

4.32 Paragraph 127(f) of the NPPF seeks the developments create a high standard of amenity for existing and future users. Paragraph 180 of the NPPF also states that new development should be appropriate for its location taking into account the likely effects on pollution on health and living conditions, including mitigating any impacts from noise and light pollution.

4.33 There are existing established residential properties close to the site including Grid Cottage to the south and west and Langton House on the opposite side of Metcalfe Lane. The occupants of Grid Cottage would experience a significant change in the immediate living situation as the property would be surrounded on three sides by the larger residential development (the cycle path being to the south) with the houses to the north positioned approximately 20m away from it and an internal roadway running along its eastern boundary. However, it would retain its current high boundary enclosure and its private garden area is located to the south of the house, away from the houses proposed within the phase. Grid Cottage would maintain its current right of way through to Metcalfe Lane via a controlled access as well as benefitting from an additional means of access through the estate to Fifth Avenue. Langton House itself is separated from the site by Metcalfe Lane and a range of associated outbuildings and so should not be adversely affected by the proposal. There are houses within phase 3 to the west and 4 to the north that would be in close proximity to the application site, though are in the process of being built.

4.34 As there are residential properties close to the proposed site Public Protection have requested that controls are put in place to minimise noise, vibration and dust during demolition and construction in the form of a Construction Environmental Management Plan (CEMP).

4.35 The proposal would have a similar density to the previously approved layout and would reflect the housing layout in other phases of the larger development. The proposed houses would have similar separation distances within the phase to the previously approved scheme and each have an adequate private amenity space to serve them. A Local Area of Play is retained within the phase.

4.36 Therefore, in light of the above, there would be no adverse impact on residential amenity as a result of the revised layout and no further harm is identified.

ECOLOGY

4.37 Paragraph 118 of the NPPF aims 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, ancient woodland and European protected sites.

4.38 The Ecological Report submitted with the application confirms that the site is sufficiently separated from any designated protected sites. The application site is largely hard-surfaced, though there are areas of existing scrub and hedge line, which are likely to be affected by the development. Field 9, which lies to the north of the application site, was originally retained in its entirety due to the presence of great crested newts in the pond within it and the wet grassland habitat it provided. Part of the field was agreed under Phase 4a to be built upon with 6 no. dwellings following ecological surveys that confirmed that the a population of great crested newts was no longer present. The scheme has been revised following concerns about the loss of mature native species hedge and scrub and the impact of lighting on Field 9. The revised plans include the removal of the substation thereby protecting the western hedgerow, the removal of the northern footpath thereby removing unnecessary light spill onto Field 9, additional native species hedging on the eastern boundary and the retention and enhancement of existing scrub around the pylons and on the southern site boundary. There would remain the loss of approximately 60m of mature native species hedge line where plots 31-40 are proposed, which is regrettable, but does not make the scheme unacceptable. Conditions are requested to secure the landscaping and lighting schemes.

4.39 Therefore, whilst the loss of vegetation is regrettable, the proposal is considered to be acceptable in terms of ecology and biodiversity, subject to conditions. No further harm is identified.

ARCHAEOLOGY

4.40 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application. Draft Local Plan Policy HE10 and emerging Local Plan Policy D6 reflects national planning guidance.

4.41 Previous studies and surveys indicated that the site may be the location of a prehistoric settlement and a Roman settlement is known in the vicinity of Osbaldwick. However, this site has been subject to significant ground disturbance from the provision of the hard surfaced area and erection of electricity pylons. Therefore, it is considered that there would be limited harm to non-designated heritage assets and as such there would be no need for further archaeological investigation before determination or through condition.

FLOOD RISK AND DRAINAGE

4.42 Paragraph 155 of the NPPF states that development should be directed to the areas of low flood risk and that development should be made safe for its lifetime without increasing flood risk elsewhere. Policies GP15a of the 2005 Draft Local Plan and ENV4 and ENV5 of the 2018 emerging Local Plan reflect the advice of the NPPF.

4.43 The application is supported by a Flood Risk Assessment and Drainage Impact Assessment. These confirm that the site and its access lie within low risk flood zone 1 and should not suffer from river flooding. Foul sewage is proposed to be discharged to the existing mains drainage sewerage system. Surface water is proposed to be disposed of via the main sewer to an existing water course. The development of this part of Phase 3 is proposed to be drained separately to the rest of the Derwenthorpe development. The Environment Agency raises no objection. Yorkshire Water requests conditions are attached to any approval requiring separate systems of drainage for foul and surface water and no pipe discharge of surface water until a satisfactory outfall is provided. The Council's Flood Risk Management Team has sought clarification on surface water drainage, which could be dealt with by condition.

4.44 As a result, the development is considered to be acceptable in planning terms, subject to conditions to cover the detail of the drainage proposals. There is no further harm identified to Green Belt.

CONTAMINATION

4.45 Paragraph 180 of the NPPF requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Local planning policies reflect this advice. Paragraph 181 encourages planning decisions to contribute towards compliance with relevant limit values or national objectives for pollutants and improve air quality through, inter alia, green infrastructure provision and enhancement. Further, paragraph 110 states that applications for development should be designed to enable charging of plug-in and other ultra low-emission vehicles in safe, accessible and convenient locations. The

national policy is reflected in local planning policies GP6 of the 2005 draft Local Plan and ENV1 and ENV3 of the 2018 Publication draft Local Plan.

4.46 The application is supported by a contamination report and site investigation report, which confirm the previous use as an electricity substation operated by National Grid and identify potential sources of contamination at the site from the presence of made ground associated with the former substation, the operation of the site as a substation and its operation for agriculture. The report recommends the removal of the contaminated soils, including the upper 0.5m of soil from 1.0m around the concrete plinth and that all materials used for landscaping of gardens and amenity spaces are tested to ensure suitability. Whilst Public Protection are generally satisfied with the reports, further information, including further sampling of soils and three further rounds of monitoring, is required before a remediation strategy can be agreed. This can be covered by the imposition of conditions.

4.47 Public Protection also seek a condition to ensure that facilities for charging plug-in and other ultra low emission vehicles are incorporated in the scheme to encourage the uptake of low emission vehicles in York, in accordance with paragraph 110(e) of the NPPF and the Council's adopted Low Emission Strategy.

IMPACT ON LOCAL FACILITIES

4.48 Paragraph 54 of the NPPF advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('2010 CIL Regulations'), sets out the statutory tests that any planning obligation must satisfy. These tests are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and, (c) fairly and reasonably related in scale and kind to the development. These tests are reiterated in paragraph 204 of the NPPF. Provision 123 of the 2010 CIL Regulations places further limitations on the use of planning obligations including that where more than five separate planning obligations have been entered into since April 2010 that provide for the funding or provision of that project or type of infrastructure, it would be unlawful to take into account in the granting to planning permission any further planning obligation relating to that project or type of infrastructure.

4.49 The application seeks full planning permission and therefore is considered as a stand alone application, with any contributions required being directly related to the development.

4.50 The development would generate the need for six additional secondary school places at Archbishop Holgate's Secondary Academy. The aforementioned school is currently at capacity. Financial contributions totalling £103,512 would therefore be

required under Policies ED4 of the 2005 Draft Local Plan and ED6 of the 2018 emerging Local Plan.

4.51 The development would generate the need for off site sports provision in lieu of provision on site. The site lies within an area where there is a deficit of 3.16ha of sports pitches. The contribution would be spent in accordance with the City's playing pitch strategy on the provision of pitches, outdoor sport and ancillary facilities at Burnholme Sports Centre site. A financial contribution of £25,986 is requested based on the size of the development and mix of dwellings.

HOUSING AND AFFORDABLE HOUSING

4.52 The proposal would deliver much needed housing for the City, with the majority (34 dwellings) being 3 bedroom properties. The remaining dwellings would include 2 no. two bedroom houses and 4 no. four bedroom properties.

4.53 The NPPF states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The site lies within the general extent of York's Green Belt, but as the 2005 Local Plan and 2018 emerging Local Plan exclude the site from Green Belt and include it as a housing site within the urban area, it is considered appropriate to treat it as an urban site for the purposes of the affordable housing provision. The original outline planning approval was subject to a Section 106 Legal Agreement that required the provision of 40% affordable housing across the entire site in accordance with an affordable housing plan to be agreed. The pepper-potting of housing has been revised so that more affordable housing is proposed within the western half of Phase 3. However, the application proposes 9 of the 40 dwellings be affordable homes, which equates to 22.5% and exceeds the current threshold of 20% for brownfield sites over 15 dwellings contained in Policy H10 of the emerging Local Plan. Of the nine, 5 are proposed to be social rent and 4 shared ownership. The Council's Housing Strategy and Development Team welcome the proposals for much needed, high quality, affordable homes in a sustainable and accessible location and are in agreement about the tenure, house type mix and location of the affordable homes. Thus, it is reasonable to accept the nine affordable homes as part of this full application for part of phase 3.

OTHER CONSIDERATIONS

4.54 Paragraphs 143-144 of the NPPF advice that permission should be refused for inappropriate development, unless other considerations exist that clearly outweigh identified harm to the Green Belt, which would amount to very special circumstances.

4.55 Whilst the Secretary of State considered that the land falls within the Green Belt, she concluded that the site did not fulfil any of the Green Belt purposes and

that harm to openness was limited. The following very special circumstances were identified by the Secretary of State as clearly outweighing the harm to the Green Belt from inappropriate development:

- the nature of the development as a highly sustainable and accessible housing scheme;
- the intended long term management role of JRHT;
- the need for an improved mix and for affordable housing in York; and,
- the absence of harm to any purposes of Green Belt.

The outline consent has been implemented and the development is part constructed. This application seeks approval to amend the layout of houses that fall within the extent of the previous development site and consequently the number of houses has reduced.

4.56 It is officers' opinion that the previous considerations identified by the Secretary of State in granting outline consent are still relevant and the fact that the land could be developed in part by virtue of this outline consent is material. Taken together, these are considered to be compelling reasons to justify development in the Green Belt and, therefore, very special circumstances exist to clearly outweigh the identified harm to the Green Belt.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 144 of the NPPF and by definition causes harm to the Green Belt. This harm, and other limited harm to openness of the Green Belt, must be afforded significant weight and very special circumstances will not exist to justify the development unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.2 It is considered that the other considerations set out in paragraphs 4.55 above together with mitigation of other harm through planning conditions, clearly outweigh the potential harm to the Green Belt, even when affording this harm considerable weight. This, therefore, amounts to the very special circumstances necessary to justify the development.

5.3 Any approval is subject to the signing of a Section 106 Agreement to cover the following matters, to include any necessary consequential variations being made to the original Section 106 obligation. The applicant has confirmed agreement to these heads of terms:

- (i) Affordable housing provision:- Provision of 9 no. affordable dwellings, being 5 no. social rented units and 4 no. shared ownership;

(ii) Education:- £103,512 towards the cost of additional school places at Archbishop Holgate's Secondary Academy. An education contribution is required for secondary age provision (6 anticipated secondary pupil yield x 17,251 cost multiplier 2018/19 =£103,512).

(iii) Off-site sports provision:- Financial contribution of £25,986 towards outdoor sport and ancillary facilities at Burnholme Sports Centre site;

(iv) Sustainable Travel:- Payment to the occupier upon first occupation of each residential unit either: £150 per dwelling towards the provision of a travel pass to permit one adult to travel free of charge on buses operated within the Council's area, or a non-transferable voucher to the value of £150 to be used to purchase a bicycle;

5.4 These contributions are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and,
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the 2010 CIL Regulations. These contributions would also comply with Regulation 123.

5.5 In light of the above, the proposal, subject to conditions and planning obligations, is considered to be acceptable in planning terms and complies with national and local planning policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the following conditions and a Section 106 Agreement securing the obligations outlined in 5.3 above including any consequential amendments to the original s.106 agreement for the development

1 TIME2 (Development start within three years)

2 PLANS1 (Approved plans)

3 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

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

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses: public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the locality.

4 Prior to commencement of development, gas monitoring and/or a risk assessment shall be carried out by a competent person to assess gas generation and migration. Based on the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land

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

8 All demolition, excavation and construction works and ancillary operations, including deliveries and dispatch from the site shall be confined to the following hours: 0800 to 1800 hours Mondays to Fridays, 0900 to 1300 hours Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

9 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

10 No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not 5 (five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

11 LAND1 (Landscaping scheme)

12 Lighting details to be submitted

13 HWAY19 (Car and cycle parking)

14 HWAY1 (Road details)

15 HWAY33 (Highway constructed before occupation)

7.0 INFORMATIVES:

1 STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

- Pre-application discussion;
- Request for further information and revised plans to address issues raised;
- Imposition of conditions to mitigate harm.

Contact details:

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18/01778/FULM

Land To The North And East Of Grid House, Metcalfe Lane



Scale : 1:1628

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	11 February 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 February 2019 **Ward:** Rural West York
Team: Major and **Parish:** Skelton Parish Council
Commercial Team

Reference: 18/01558/REMM
Application at: Former Del Monte Site Skelton Park Trading Estate Shipton Road Skelton York
For: Erection of 77 no. dwellings, areas of open space, access road and associated infrastructure pursuant to outline approval 14/01478/OUTM.
By: Mr Tate
Application Type: Major Reserved Matters Application (13w)
Target Date: 28 February 2019
Recommendation: Approval subject to the variation of the S106 legal agreement

1.0 PROPOSAL

1.1 The application seeks approval of reserved matters for appearance, landscaping, layout and scale of the site for residential use. Outline planning permission (14/01478/OUTM) was approved by committee (19.03.2015) subject to the signing of the legal agreement. The decision notice for the outline planning permission was issued 09.03.2016.

1.2 The site has previously been used as a factory, which was demolished in 2014. The site is within the Skelton settlement envelope in the Proposals Maps for the Development Control Local Plan (2005) and the Draft Local Plan (2018), it is sited to the west of the A19, with the rest of the village sited to the east of Shipton Road.

1.3 The applicant has the land to the west of this site in their ownership, and this is within the general extent of the greenbelt. An application has been submitted by the applicant for the change of use of this adjacent land to public open space (18/02583/FUL) in association with this application. The land to the north is used as a golf course. The land to the south and east is housing, and land to the south and west are fields. The proposed site (within the red line) is 2.29 hectares. There is a pond within the site, adjacent to the A19; this is shown as being retained. The site is within Flood Zone 1, it is not within a conservation area, and there are no listed buildings in close proximity.

1.4 The outline planning permission is subject to a legal agreement requiring the provision of affordable housing, formal children's play space and amenity space within the red line of the application, together with contributions towards off site sports provide and education contributions. The formulas of these are set out in the legal agreement together with the details of the quality of the required children's play space and amenity space.

1.5 During the application process revised plans and information have been submitted which alterations to the layout, and the landscaping. The revised plans have undergone a further round of consultation, which ended on 07.02.2019.

1.6 The site was subject to a request for a Screening Opinion under Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (14/00330/EIASN). It was concluded that an Environmental Impact Assessment was not required. Since that time the EIA regulations have altered. The proposed development does not comprise 'Schedule 1' development. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not meet the applicable thresholds and criteria. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

2.0 POLICY CONTEXT

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

- CYGP1 Design
- CYGP3 Planning against crime
- CYGP9 Landscaping
- CYNE1 Trees, woodlands, hedgerows
- CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats
- CYNE3 Water protection
- CYNE7 Habitat protection and creation
- CYT4 Cycle parking standards
- CYH2A Affordable Housing
- CYH3C Mix of Dwellings on Housing Site
- CYH5A Residential Density
- CYL1C Provision of New Open Space in Development

2.2 The Publication Draft City of York Local Plan ('2018 Draft Plan')

- H2 Density of Residential Development
- H10 Affordable Housing
- D1 Place making
- D2 Landscape and Setting
- GI4 Trees and Hedgerows
- ENV2 Managing Environmental Quality

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

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections to the scheme, the design of the internal layout is acceptable from a highways perspective. The applicant has demonstrated with sufficient technical details to prove the access and street design is appropriate for the level of development. The design incorporates footway along the initial section of access road and then changes to that of a shared surface. The traffic speed will be less than 20mph in the main and this environment will be safe for pedestrians to mix with other traffic. The form of street hierarchy has been in existence across the city for over two decades.

3.2 Parking is provided in line with council maximum standards, indeed most plots have more spaces if factoring in the garage provision. Additional space for visitor parking has now been incorporated into the layout to seek to manage any extra/transient demand for parking. Bin collection points have been shown, which will be utilised on refuse collection days. The applicant has demonstrated that a refuse wagon will be able to access and turn at appropriate locations.

3.3 Increase in dwelling numbers would not make a material change to the agreed A19 works.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (DESIGN AND SUSTAINABILITY MANAGER)

3.4 Comments will be reported at committee.

3.5 For the original scheme concerns were raised regarding: design; lack of consideration to the green spaces and pedestrian routes; design does not account for the isolated nature of the site

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.6 Comments will be reported at committee.

3.7 For the original scheme concerns were raised regarding lack of consideration between the proposed dwellings and existing trees, further separation is required with the trees and pond; New large-species trees should be incorporated into the western boundary and be compatible with housing at full maturity; needs to be greater provision of general amenity space within the site boundary; The LEAP

should be better connected to areas of general amenity, and perform better in giving the development a sense of place.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER) - Comments to original scheme

3.8 An updated ecology survey was undertaken in February 2018 and found the site to be largely unchanged from 2014; predominantly of low ecological value apart from the existing pond at the front (east) of the site and the boundary trees. An updated great crested newt survey undertaken in April 2018 by eDNA method has confirmed the continued likely absence of this species. One tree marked for removal; T1 a Weeping Willow, was assessed as having low bat roosting potential and standard precautionary felling methods area recommended.

3.9 The majority of the boundary trees will be retained which is supported, although there is potential for the trees to come under pressure for removal due to their proximity to housing (e.g. shading, issues with leaf litter, perceived safety).

3.10 The National Planning Policy Framework (2018) states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. The proposed landscaping scheme includes limited areas of wildflower grassland seeding around the existing pond and along verges connecting to the LEAP area of public open space. Whilst gardens can make a contribution to local biodiversity there is no control over how they are managed, so can not be viewed as a benefit.

3.11 There is an opportunity to provide enhancements through the inclusion of integral bat and bird boxes in the new houses.

3.12 There are no ecological grounds for refusal. If this application were approved the following should be considered to enhance the quality of development and mitigate any potential adverse impacts; bat and bird accommodation within design of dwellings; permeable fencing for hedgehogs

FLOOD RISK MANAGEMENT TEAM

3.13 No objections, drainage condition on the outline planning permission

PUBLIC PROTECTION

3.14 The noise information submitted by the application is considered to be acceptable, no objections provided the noise mitigation measures are implemented.

3.15 Lighting, construction noise and dust and electric vehicle charging have previously been considered at the outline stage and conditions 17, 21, 22 and 23 of

14/01478/OUTM cover the requirements therefore no further conditions are recommended in relation to this application.

PUBLIC REALM

3.16 No objections to revised scheme

FORWARD PLANNING

3.17 Given the advanced stage of the Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, advise that the policy requirements of emerging Plan policies SS1, H1, H2, H3 and H10 should be applied with moderate weight.

3.18 The site forms part of the emerging Local Plan's submitted 5 year housing supply. The proposed development therefore accords with the Local Plan's approach to housing delivery. In the submitted housing trajectory, the site is included as part of projected housing supply, having completions in years 4 and 5 of the plan (2020/21 & 2021/22). The submitted SHLAA (2018) shows that the Plan provides for a 6.38 year supply of sites, based on 2017 as the opening year of the Plan. Whilst the Local Plan is yet to be examined, it is considered that the emerging Plan and its evidence base demonstrate an NPPF compliant 5 yr housing land supply.

3.19 The application shows a net density of around 34 dph (including the pond and childrens play space), which accords with H2.

3.20 The SHMA states that the need for affordable housing of different sizes will vary by area (at a more localised level) area and over time. In considering the mix of homes to be provided within specific development schemes, the SHMA indicates that *the information presented should be brought together with details of households currently on the Housing Register in the local area and the stock and turnover of existing properties*. In the market sector, paragraph 9.28 of the SHMA concludes that a profile of housing that *closely* matches the outputs of the modelling is suggested. The recommendations take some account of the time period used for the modelling and the fact that the full impact of the ageing population will not be experienced in the short-term. In addition, as noted earlier, current constraints on mortgage finance is likely to suppress demand for smaller units in the short-term (particularly those which would normally have high demand from first-time buyers).

3.21 The SHMA (June 2016) estimates that broadly, the greatest need for market housing is in 2-bed and 3-bed homes, and 1-bed and 2-bed homes in the affordable sector. As such, against this evidence, the application is over reliant on providing 4-bed homes.

3.22 The proposals do broadly adhere to the SHMA recommendations and will offer

a broad mix of housing across the site. The proposal is slightly over providing for the larger 4 bed dwellings in relation to the market need and it would be preferable to see a more balanced mix with the provision of more 2 and 3 bed accommodation.

3.23 In relation to the housing mix proposed for the affordable housing element, it is recommended that colleagues in housing are consulted to establish if there are any details of households currently on the Housing Register in the local area and the stock and turnover of existing properties which may support a different mix of housing for the affordable element of the proposals.

HOUSING STRATEGY AND DEVELOPMENT

3.24 The proposed layout for application 18/01558/REMM complies with key provisions of the affordable housing obligations in the Section 106 agreement for the Outline application 14/01478/OUTM by providing 20% of the total as affordable housing

3.25 The proposal to provide 15 of the 77 dwellings as affordable housing meets the requirement of the S106 to provide 20% of the dwellings as affordable, with an additional commuted sum to be provided equivalent to 0.4 of the difference between market value and transfer value of an affordable property. The tenure will be split between 70% Social Rented and 30% Discount Sale.

3.26 The S106 requires a pro rata provision of different house types as affordable housing, unless the council agrees otherwise. The proposed development comprises 79% 3 and 4 bedroom homes. Although affordable housing is needed across all house types and sizes the priority need is for 1, 2 and 3 bedroom homes. This is evidenced in the council's 2016 strategic housing market assessment (SHMA) and also the council's social housing allocation system. Need is measured by the number of "bids" (expressions of interest with a commitment to occupy) different house types attract on average. More bids indicate a higher need from households registered on the council's allocations system. There are significantly more bids for 1 and 2 bedroomed properties.

3.27 The majority of affordable dwellings in the proposed mix are of smaller house types, and these meet the priority need for affordable housing types within York. On balance this is considered acceptable. However, the proposed layout of the development and the fact 87% of the private market homes are three and four bedroom houses means there is an imbalance of house types across the site and this also limits the degree of integration of the affordable housing with the larger private market homes.

3.28 The other requirements of the Section 106 agreement Schedule will need to be met in order for agreement of an Affordable Housing Scheme including pepper potting and distribution of the two affordable housing tenures throughout the site.

3.29 The proposed layout does not meet the aims of the Policy H3 of the council's Local Plan submitted to the Secretary of State in May 2018. This has an impact on the affordable housing mix and layout as required by the previous Outline application Section 106 agreement (noted above). The mix of house types should meet the need identified in the council's 2016 Strategic Housing Market Assessment (SHMA), taking into account the context of each individual site. 4+ bed houses (33.7% of the total as proposed) and 3 bed houses (45.5% proposed) are over-provided by comparison to identified needs, and 2 bed houses under-provided (15.6% proposed). This also has an impact on the integration of affordable housing within the overall layout.

EDUCATION PLANNING OFFICER

3.30 No comments received

WASTE SERVICES

3.31 No comments received

PUBLIC HEALTH

3.32 The development does not appear to have well connected walking and cycling routes around the development or to key facilities that residents would need to access. Plans that encourage social interaction in attractive streets are important. Circular walks and cycle routes support this and this development is a series of cul-de-sacs which promote more insular living and reduce the opportunity for social interaction.

3.33 Without the public open space to the west of the development there is not enough open space within the development. The creation of 'green corridors' that physically link the open countryside and areas of open space create the feeling of wellbeing and connectivity to the environment.

3.34 Ideally like all homes to have 'vista's' through the development to green and open space.

3.35 The public open space in the centre of this development is not overlooked. There is also no reason to go there – no play equipment, benches etc. Likewise the existing pond area. Require additional information on what are the developer's plans for making these areas accessible to all and encourage people of all ages to engage in physical activity.

3.36 Request that cycle storage is provided for all homes.

3.37 Question whether there is a sufficient mix of different types of dwellings (Elderly person accommodation, retirement homes, starter homes, affordable

homes). Affordable homes seem to be in two main areas of the development rather than spread throughout the development. 88% of the buildings are 3 or 4 bedroom homes (not including the affordable homes) over 2 to 2.5 storeys. The Rural West Ward Profile shows that people in this ward tend to be better educated and higher earners than the York average population however the areas of concern are: Emergency hospital admissions for injuries resulting from a fall (over 645); Social isolation; This ward has a higher proportion of older adults living within it than the York average; Has low numbers of 20 – 40 year olds living within it.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

SKELTON PARISH COUNCIL

3.38 Object. Wishes to reiterate its serious concerns about the road layout for the proposed development of 77 no. dwellings. The number of houses now proposed is significantly higher than the number allowed by the outline permission and this increase would exacerbate the traffic issues. The Parish Council is concerned that the road layout will be detrimental to the safety of pedestrians and other users.

3.39 Concerned there has been limited consultation for the road layout plans, Changes to the flawed road layout as agreed at the outline stage would be desirable. The Parish Council considers it essential that the local community is consulted now, before consent is considered, even if the LPA considers it acceptable for the changes to be made through S278. The works to the A19 will be contrary to Design Guideline 6 of the Skelton Village Design Statement. Would like to see detailed offsite linkages for pedestrians and cyclists to be developed in consultation with Skelton's residents. There does not seem to be an up to date travel plan that forecasts off site travel movements by pedestrians, cyclists and vehicles. In order to provide a cohesive village community, the Parish Council considers it essential that safe routes to school are provided and the safety of pedestrians and cyclists is guaranteed. Request that they now provide an information and consultation event in Skelton

3.40 The proposed development by virtue of the increase in housing numbers does not fall within the scope of the outline planning permission. The increase in housing numbers will add to additional traffic impact, visual impact through the loss of trees over time and the lack of local play provision and other amenities. The additional housing is too close to the pond and the A19, and existing trees, there would be limited open space within the red line.

3.41 Although Skelton Parish Council welcomes the offer of recreational space outside the red line, it is concerned that this is a separate application. The increase in density leads to a lack of open space within the red line for the revised plans for this development proposal. The Council also objects to the fact that there is no play area for children within the red line.

3.42 Would result in harm to the green belt

3.43 Insufficient affordable housing has been provided. The affordable housing has not been pepper potted through the site. The affordable housing mix is not acceptable, the provision is not balanced against the open market housing and there are less affordable family housing than expected and more 3 bed dwellings. Concerned that the timber fencing would be prominent through the development, notably plots 73, 18, 24, and 44. There does not appear to be boundary treatment design submitted

3.44 Air quality monitoring took place in 2014, a more up to date survey should be submitted.

POLICE ARCHITECTURAL LIAISON OFFICER

3.45 Crime and anti-social behaviour levels within the vicinity are considered to be low level.

3.46 Where parking provision is at the rear of a property, to enable surveillance from within the dwelling it serves, the boundary treatment should be visually permeable. This could be achieved by having close boarded fencing or a wall to a height of between 1m – 1.5m, topped with trellis or railings, to create an overall height of 1.8m (plots 19, 20, 21, and 22)

3.47 The central open space: In a residential setting the provision of seating tends to become a gathering place in the evening and can lead to anti-social behaviour such as littering, noise and damage. It is recommended that they be removed.

ENVIRONMENT AGENCY

3.48 No comments

YORKSHIRE WATER

3.49 The application will increase the impermeable area to the site. Therefore, the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the site.

KYLE AND UPPER OUSE INTERNAL DRAINAGE BOARD

3.50 The application will increase the impermeable area to the site. Therefore, the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the site. If planning permission is granted request that an adequate surface water drainage scheme is required and that if water is to be discharged to a watercourse then it should be restricted to 1.4 litres per second per hectare or Greenfield runoff. There

should be no obstructions within 9 metres of the edge of a watercourse without permission from the IDB

NORTHERN POWERGRID

3.51 No comments received

NATIONAL GRID

3.52 No comments received

SKELTON VILLAGE TRUST

3.53 This increase changes the statistical basis of the A19 traffic access and pedestrian crossing proposals. There will be a 30% increase in vehicle movements and in pedestrians/cyclists traversing two separate carriageways of the A19, with no signalled crossing. At busy times many of the pedestrians are likely to be school children. A full reappraisal of traffic and safe people movement is required. Do not consider that application falls within the scope outline planning permission

3.54 There is a high likelihood of the Del Monte development being an enclave - lacking its own services - rather than integrated into Skelton. Access and crossing provision must have safety and facilitating social cohesion as priorities. The proposed numerical increase will only exacerbate the inadequacies of the present scheme which requires substantial revision

3.55 A proposed speed limit of 40mph is not acceptable on a road which will be passing through the residential area of Skelton. The proposed development will disadvantage current Skelton residents in terms of vehicle egress and access.

3.56 Understand that a development in excess of 60 dwellings cannot be undertaken without either a variation to the existing permission or a new planning permission being obtained

3.57 The developers' contractors have started site clearance in violation of the conditions attached to the Outline permission. This should give rise to sanction.

HIGHWAYS ENGLAND

3.58 No objections

PUBLICITY AND NEIGHBOUR NOTIFICATION

SKELTON CP SCHOOL

3.59 Support the application. In order to sustain and grow the school, need to increase pupil numbers in an area of York where there is currently over supply of primary school places. This development should provide an opportunity for the school to do so and would help to secure the school's long term success and availability for village children and those from further afield.

3.60 Have concerns over the road layout and the level of traffic travelling at high speeds. Safety must be made a priority and hope that the speed limit would be significantly restricted and that there will be a safe crossing place.

CYCLING UK

3.61 A Transport Assessment has not been submitted. The existing pedestrian crossing of the A19, plus the footpath connecting to it from the site access by Fairfield cottages, should be upgraded for shared cyclist/pedestrian use. This will enable cycle owners living in the new development, to more easily cross the A19 and access local services in Skelton, plus make commuting, school and utility journeys towards York. The option of a cycle and pedestrian link from the development to the Sustrans route, might usefully be explored and if feasible could be sought via developer contribution.

3.62 Four Representations of objection to the revised scheme:

- Concerned regarding that the access and egress of the application site to the A19 and the considered that the 50mph speed limit is too high. The objector has put in an application to reduce the speed limit and would like this considered by the council (Sustainable Transport Services advise that an Order has been made to reduce the speed limit in the area of the development to 40 mph and will be implemented when the works (subject of the outline planning permission) to the A19 are undertaken)
- Object to the stopping of a right turn from Fairfields Drive on to the A19
- Concerned they will be safety issues on St Giles Road from increased traffic.
- Would involve traffic being directed past the primary school and the village hall
- Proposed development does not fall within the scope of the outline planning permission
- Concerned regarding the size of the proposed trees and the impact on light to Fairfield Cottages
- Concerned regarding the dropping of the kerbs for the footpath the road slopes significantly from the A19 and heavy rain causes the area to flood as the drain cannot contain the flow of water and we are concerned of water ingress to the property.

3.63 Two representations of support to the original scheme:

- There is a housing need, and this is the use of brownfield sites is supported
- The current speed limit on the A19 is too high, and the housing development allows a review to the speed limit

3.64 Twelve representations of objection to the original scheme:

- The speed of the A19 should be reduced to 30mph or 40mph
- The foul water system would be unable to cope with the increase dwellings, there is an existing issue
- The density of development is too high
- Concerned that the highway alterations to the A19, there will still be safety issues to pedestrians crossing the road. Reducing the speed will cause more traffic congestion
- Concerned that if the northbound turn from Fairfields Drive is not maintained traffic will travel through the village to access the A19
- A footbridge is required
- The noise assessment with the original planning application recommended a 2 metre high fence along the road side elevation, many existing dwelling in Skelton are closer to the road, request that a similar fence is provided for existing Skelton residents
- The A19 is already congested, the proposed development will exacerbate the issues, the A19 should become a dual carriageway
- A roundabout or traffic lights should be introduced
- Traffic lights are required
- The proposals to narrow the carriageways and create landscaped traffic islands will not be sufficient for vehicle and pedestrian safety. The landscaping would obstruct drivers views of traffic and pedestrians
- The application refers to 78 dwellings which would not be in accordance with the planning permission approved in 2016 which permitted up to 60 dwellings on the site
- Consideration would also need to be given at this stage to the mitigation required to ensure that 78 houses do not have a severe impact on the highway or impact on road safety and the content of the legal agreement may need to be amended.
- The Council has duty to screen any subsequent planning applications for this site and, given the increase in dwellings now proposed, satisfy themselves that an EIA is still not required.
- Work has already commenced on site.
- The owners of the adjacent golf club have concerns regarding health and safety issues and site security once the site has been developed, a substantial boundary is requested
- Will impact on bus timetables
- The decision made by planning committee on 19th March 2015 was dangerous and should be re-assessed

- There would be an increase in noise, vibration and pollution to the dwellings of Grange Close and Park Close due to acceleration lane becoming the main carriage way
- There will be an increase of pupils walking / cycling to Manor School and Vale of York Academy and a safe route along the A19 is needed.

3.65 Seven Representations of comments to the original scheme:

- Fairfield Cottages are in close proximity to the site, concerned they may become damaged by the vibrations of the breaking up of the slab, if there is damage should be corrected at the developers cost
- A revised road layout/access is required
- Without a speed limit reduction and traffic lights this access road could be very hazardous and those living on the housing development using Skelton as a rat run
- Concerned that the pedestrian access to the A19 would be dangerous. Require installing a bridge or subway, the only other options would be to have traffic lights, incorporating a Pelican/Puffin/Toucan type crossing point. The junction will also have to be rationalised with either traffic lights or a roundabout.
- Request reduction in speed limit to 30mph
- Question whether the village school has capacity for additional students
- Affordable housing is required
- Concerned that the A19 is being brought closer to the dwellings to the north of the A19/. The access to the A19 from Skelton appears hazardous. Difficult access to the A19 southbound from the proposed development
- Without the acceleration lane will result in large queues forming at the junction
- There is a need in the Village for more 3 and 4 bedroomed social and affordable housing and I feel that the proposed development does not cover this need.
- With the increase in population the safety of the current footpath/cycle path along the side of the A19 into Rawcliffe should be assessed. In places it is very narrow and adjacent to the A19. The catchment school for children of secondary school age from the village is The Vale of York in Rawcliffe and children from the village also attend Manor Church of England Academy, Nether Poppleton both of which fall under the statutory walking distance of 3 miles. Children are very wary of walking/cycling along this footpath
- Hedging should be planted along the 2m sound proofing fence to keep it in keeping with the green look of the village.

4.0 APPRAISAL

KEY ISSUES

- Scope of outline application
- Design, Layout, and Appearance

- Landscaping
- Affordable Housing and Housing Mix
- Open space

ASSESSMENT

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

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

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

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

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning

applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

SKELTON VILLAGE DESIGN STATEMENT

4.6 The Skelton Village Design Statement (2008) sets out a number of pertinent guidelines these include Guidelines 2, 5, 6, 8, 9, and 11.

SCOPE OF OUTLINE APPLICATION

4.7 The outline planning permission (14/01478/OUTM) was for all matters reserved except access. The principle of development of the site for housing has been approved in this outline planning permission. The works to the A19 were approved as part of the outline planning application. As the highway works were assessed and agreed as part of the outline application they can not be reassessed as part of the current reserved matters application. Consideration of the Reserved Matters application allows for assessment of whether the layout, density, appearance and landscaping is appropriate. Conditions imposed on the outline permission do not need to be re-imposed.

4.8 The outline application was described as for 'up to 60 dwellings' a Section 106 legal agreement was signed which included an education contribution, affordable housing and on-site play and amenity open space and off site sports provision. The wording of the S106 was such that essentially the more houses proposed the more on-site open space had to be provided. No condition was imposed at the Planning Committee to restrict the number of dwellings.

4.9 The reserved matters application is for 77 dwellings within the red line. The issues that can be considered are: appearance, landscaping, layout, and scale. The Highway Network Management Team advise that they have no concerns regarding the A19 highway works and the increase in potential housing numbers, and they do not consider it a material change and thus the works to the A19 are not required to be reassessed.

4.10 The increase in housing numbers is not considered to impact on the visual amenity of the site, it is likely that if sufficient acceptable open space was provided within the site it would have been centrally located, with housing to the boundaries, the current scheme has housing to the boundaries. The proposed development does not have any further impact on ecology, noise, contamination, visual amenity, character. No objections have been raised regarding the potential increase in student numbers than a development of up to 60 dwellings. The proposed increase in numbers is not considered to materially increase the impact of the development

DESIGN, LAYOUT AND APPEARANCE

4.11 Policy D1 of the Draft Local Plan (2018) and Chapter 12 of the NPPF places great importance to the design of the built environment. At paragraph 130, it states that poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.12 77 dwellings are proposed, all dwellings have their own outside garden area with at least 1 vehicle parking space. When entering the proposed development the development would be set back from the A19 to give sufficient space to the pond and the adjacent oak trees. The revised plans show additional planting and landscaping which would help to draw people through the development to the visible central landscaped area and the larger public amenity space to the south west of the application (subject of planning application 18/02583/FUL).

4.13 Policy H2 (Density of Residential Development) of the Draft Local Plan (2018) set out that there should be a net density of 35 units/ha in villages and rural areas. Delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area. The development consists of 77 dwellings on 2.26 ha of flat brownfield land. The dwelling density of the site would be 33.6 units per ha is considered to be acceptable for this location. The site has a number of constraints including the pond and easement corridor along the southern boundary, together with being set within a surrounding greenbelt location boundary.

4.14 The proposed development includes 12 different house types to provide some variety and individuality to the houses. The house designs are generally traditional. All houses have pitched gable roofs the majority of the dwellings are of traditional proportions. In this location the palette of materials selected should compliment the existing houses in the area with more than one brick type to assist in the break up the visual mass of the proposed development. A proposed materials layout plan has been submitted for the dwellings, whilst a mixture of brick and tiles type will help to bring interest to the streetscene. The use of buff bricks in the prominent 2.5 storey dwellings when entering the development is considered to be jarring and would not be acceptable. The outline application require material details to be submitted via condition therefore acceptable materials details can be agreed through the approval of details

4.15 51 of the proposed houses would be two storeys in height. The house types have some variety in height but generally eaves vary in height between 4.7 metres and 4.9 metres, the height to the roof ridge varies between 8 - 8.5 metres in height to the ridge. 26 of the houses (3 designs) would be two and a half storeys in height with rooms in the roof. These dwellings would be between 5.2 metres and 6.7 metres to the eaves and 9 metre and 10.7m in height to the ridge. The two and half storey dwellings are located throughout the site, by virtue of where these dwellings are located within the site they are not considered to be unduly prominent in the context of the housing development.

4.16 Highway Network Management have confirmed that they have no objections to the road layout. The design incorporates footway along the initial section of access road and then changes to that of a shared surface. The traffic speed will be less than 20mph in the main and this environment will be safe for pedestrians to mix with other traffic.

4.17 The dimensions of the proposed garages area 2.4 by 4.8 do not meet current standards or car dimensions and will make them unattractive for the parking of cars. CYC standards for garages are 3m x 6m (single) if they are to be considered as a reckonable parking space. The applicant has not altered the garage dimensions stating that they would be used for cycle and general storage. Sufficient parking is considered to be created within the development without the requirement of the garages. There is space for cycle parking storage within the gardens (for those dwellings which do not have a garage) and the secure storage can be sought via condition.

RESIDENTIAL AMENITY

4.18 One of the aims of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Each dwelling has a private rear garden. Dwellings are sited and designed in such a way as to provide a reasonable level of amenity and natural light within the dwellings.

4.19 The application site has existing housing to the west and south boundaries. The proposed development achieves separation distances of minimum 30 metres between the proposed and Fairfield Cottages to the north of the site. This is considered maintain privacy and outlook from the existing dwellings. The separation distance between the proposed development and the dwellings to the south (The Stables/Windrush House) and the closest dwelling (side elevation) within the proposed development would be 15 metres. The boundary treatment to the south east and Fairfield Cottages boundary will remain as existing - paladin fencing. There are a number of trees in between and the dwellings and by virtue of the orientation of the proposed dwellings it is not considered there would be a loss of privacy the occupants of The Stables/Windrush House

4.20 Paladin fencing is proposed to the north west boundary, which is considered to be appropriate in this location, the plans show a beech hedge planted behind thus offering good security, habitat and visual benefit. This is also considered to provide the occupants with sufficient privacy. The boundary treatment to the south west elevation would be railings and beech hedge. The boundary between the proposed dwellings and the pond would be railing with a hedge and short run of brick columns and infill fencing with shrub planting.

4.21 The applicant submitted a noise assessment with the outline planning permission which has a recommendation for a 2 metre high solid timber acoustic

fence along the northern eastern part of the application site where gardens 'back-onto' the A19 Shipton Road to protect the residential amenity in the proposed gardens. By virtue of the retention of the pond, the closest dwelling would be 50 metres from the A19. There are a number of existing dwellings much closer to the A19. Updated noise information has been submitted with the current application to advise that glazing and ventilation to the dwellings would protect the dwellings. Therefore officers considered that an acoustic fence in this location was not required and was not conditioned. The information submitted with the current application does not overcome this previous conclusion.

LANDSCAPING

4.22 The landscaping around and within this development is considered to have considerable importance to the success of this development and how it sits within the surrounding landscape. A general landscaping plan has been submitted including high level planters and trees to break up the part of the proposed development that has the potential to be dominated by vehicle parking and uniform frontages. A landscaping condition is imposed on the outline planning permission and further details on species and the siting of the plants would be required to be submitted. This would ensure that the species are appropriate to their location in terms of residential amenity. In addition an open space management scheme should be part of the varied S106 legal agreement to ensure that these areas can be managed and maintained.

4.23 The trees along the northern boundary have been removed although the line of tall Poplars remains to the other side of the fence. The closest dwellings are set 15 metres from these trees which is considered to be the minimum acceptable distance to protect the amenity of the future occupants of the dwellings but to prevent future pressure for the felling of the trees. Trees are retained along the southern boundary. The dwellings to this boundary are set just outside the root and crown protection area. The oak trees and the pond are being retained; the mature willow tree has been removed. The retention of the pond and the trees is considered to be important to the success of the proposed development and how it will sit comfortable in within its surroundings the addition of the paths which will follow natural desire lines (to the bus stop and crossings across the A19) opens up the area to the enjoyment of the future residents. The dwellings have been set back from this area to give the pond and trees sufficient space to develop and would reduce any pressure from the future occupants of the nearby dwellings to alter these positive attributes of the scheme. These proposed works are not considered to result in harm to the ecology of the area, the ecology survey has confirmed there is no evidence of the pond and the environs being used by newts, bats, or other protected species. The access road has been set way from the pond

4.24 The centrally located open space area would be overlooked by the surrounding dwellings. The Landscape Architect has expressed some concern regarding the layout of the central open space area, however it is considered that that the re-

design of this area to create a more usable space can be sought via landscaping condition on the outline planning permission.

HOUSING MIX AND AFFORDABLE HOUSING

4.25 The affordable units are 2 x 1 bed dwellings, 6 x 2 bed dwellings, 5 x 3 bed dwellings, and 2 x 4 bed dwellings. The proposal to provide 15 of the 77 dwellings as affordable housing meets the requirement of the S106 legal agreement to provide 20% of the dwellings as affordable, with an additional commuted sum to be provided equivalent to 0.4 of the difference between market value and transfer value of an affordable property. The tenure will be split between 70% Social Rented and 30% Discount Sale. The Housing team have advised they are satisfied with the mix of affordable housing units. A strict application of the 20% affordable housing being pro rata provision of different house types as affordable housing unless the Council agrees otherwise. The proposed affordable housing provision does not accord with this pro rata provision. Although affordable housing is needed across all house types and sizes the priority need is for 1, 2 and 3 bedroom homes. This is evidenced in the council's 2016 strategic housing market assessment (SHMA). The majority of affordable dwellings in the proposed mix are of smaller house types, and it is considered these meet the priority need for affordable housing types within York. On balance this is considered acceptable.

4.26 Policy H3 of the Draft Local Plan (2018) advises that the Council will seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. The proposed development provides 4+ bed houses (33.7% of the total as proposed) and 3 bed houses (45.5% proposed) are over-provided by comparison to identified needs, and 2 bed houses under-provided (15.6% proposed).

4.27 The NPPF requires the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Whilst the Local Plan has been submitted there are objections to Policy H3. At the current stage it is considered that as the policy and the SHMA are not adopted only limited weight can be provided. The policy and the evidence base are to guide the provision of an appropriate mix across the city. It is not intended as a specific guide or quantum for each individual proposal which must be assessed on a case by case basis. It is considered that by virtue of the current policy position that refusal on the basis of housing mix could not be sustained.

OPEN SPACE AND LEGAL AGREEMENT

4.28 The legal agreement required that a certain amount of open space (formal children's play space and amenity space) be provided within the application site. The proposed development does not meet these minimum requirements. Within the red line of the application there is insufficient amenity space for the proposed development.

4.29 The site is detached from the rest of the village by a busy road as such it is important that there is sufficient usable open space within the development. The partner application for the adjacent paddock for a change of use to open space amenity area would provide more than the required open space required, albeit not within the site. The housing development would only be considered to be acceptable if the partner application was approved.

4.30 It is considered important that if the open space application were to be approved that a condition be added to ensure the phasing of the open space within the site and adjacent to ensure that the open space is laid out at an appropriate point in the development. It is considered that this could be sought via condition. With regards to the application site there is a restriction within the legal agreement that the site can not be occupied until the on-site amenity open space area and the equipped play area have been completed in accordance with the open space scheme and is open for the general use of the public. As such as the timing of the on-site open space facilities has been specified in the legal agreement it is not considered necessary to seek via condition

5.0 CONCLUSION

5.1 The proposed development would provide a mix of market and affordable housing in line with current guidance. The development has been designed to modern highway standards to reduce vehicle speeds and encourage pedestrian movement. The proposal would introduce a mixed residential scheme in a sustainable location and is considered to be generally acceptable.

5.2 The application is recommended for approval following the variation and signing of the S106 legal agreement to remove the reference in the legal agreement that the formal children's play space and amenity space will be provided within the red line of the outline planning permission. If the variation of the legal agreement cannot be agreed the application will be brought back to committee.

5.3 These alterations are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and,
- (c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the 2010 CIL Regulations. These contributions would also comply with Regulation 123.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approval subject to the following conditions and the prior variation of the S106 legal agreement as set out in paragraph 5.2 of the report.

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

Drawing Number 18:7806/PLA Revision D received 05 February 2019;
Drawing Number 1 'Plots 1-3, 48-50' received 30 January 2019;
Drawing Number 2 'Plots 1-3, 48-50' received 30 January 2019;
Drawing Number 3 'Plots 4-5, 19-20' received 30 January 2019;
Drawing Number 4 'Plots 4-5, 19-20' received 30 January 2019;
Drawing Number 6 'Plots 11-12' received 30 January 2019;
Drawing Number 7 'Plots 11-12' received 30 January 2019;
Drawing Number 8 'Plots 21-24' received 31 January 2019;
Drawing Number 9 'Plots 21-24' received 31 January 2019;
Drawing Number 10 'Plots 29-30, 31-32, 42-43, 53-54,62-63' received 30 January 2019;
Drawing Number 11 'Plots 29-30, 31-32, 42-43, 53-54,62-63' received 31 January 2019;
Drawing Number 12 'Plots 33-34, 710-71 Sheet 1 of 2' received 30 January 2019;
Drawing Number 12 'Plots 33-34, 710-71 Sheet 2 of 2' received 31 January 2019;
Drawing Number 13 'Plots 45-47' received 30 January 2019;
Drawing Number 14 'Plots 45-47' received 30 January 2019;
Drawing Number 15 'Plots 51-52' received 31 January 2019;
Drawing Number 16 'Plots 57-59' received 30 January 2019;
Drawing Number 17 'Plots 57-59' received 30 January 2019;
Drawing Number 18 'Plots 72-73' received 30 January 2019;
Drawing Number 19 'Plots 72-73' received 30 January 2019;
Drawing Number 20 'Plots 76-77' received 30 January 2019;
Drawing Number 21 'Plots 76-77' received 30 January 2019;
Drawing Number 22 'Plots 14, 16, 26, 28, 36, 41, 44, 75' received 30 January 2019;
Drawing Number 23 'Plots 14, 16, 26, 28, 36, 41, 44, 75' received 30 January 2019;
Drawing Number 24 'Plots 15, 40' received 30 January 2019;
Drawing Number 25 'Plots 15, 40' received 30 January 2019;
Drawing Number 26 'Plots 18, 69' received 31 January 2019;
Drawing Number 27 'Plots 18, 69' received 31 January 2019;
Drawing Number 28 'Plots 9, 17, 25, 35, 78' received 30 January 2019;
Drawing Number 29 'Plots 9, 17, 25, 35, 78' received 30 January 2019;
Drawing Number 30 'Plots 6, 7, 9, 27, 37, 38, 39' received 30 January 2019;
Drawing Number 31 'Plots 6, 7, 9, 27, 37, 38, 39' received 30 January 2019;

Drawing Number 32 'Plots 10, 55, 56, 74' received 30 January 2019;
Drawing Number 33 'Plots 10, 55, 56, 74' received 30 January 2019;
Drawing Number 34 'Plots 64-68' received 31 January 2019;
Drawing Number 35 'Plots 64-68' received 31 January 2019;
Drawing Number 1824.DG.01 'Double Garage' received 30 January 2019;
Drawing Number 1824.SG.01 'Single Garage' received 30 January 2019;
Drawing Number 1824.TG.01 'Triple Garage' received 30 January 2019;
Drawing Number 1824.TWG.01 'Twin Garage' received 30 January 2019;
Drawing Number 1824.TWG.02 'Large Twin Garage' received 30 January 2019;
Drawing Number R/2133/4E 'Landscape Masterplan' received 06 February 2019;
Drawing Number SD/T/26K received 23 January 2019;
Drawing Number 1824.02 'Location Plan' received 09 July 2018;

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

2. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 2015), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected other than those divisions shown on the approved drawings or agreed in writing by the Local Planning Authority subject of Condition 5 of planning permission 14/01478/OUTM.

Reason: To protect the visual amenity of the boundaries of the site as a whole in this sensitive location adjacent. To prevent a solid urban appearance at odds with the surrounding character.

3. The trees shown as being retained Drawing Number R/21334E received 06 February 2019 shall be retained. If in the circumstances that a tree/s is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In the interests of the visual amenity of the site, and the wider area. In the interests of the ecology 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive

outcome:

- Requested revised plans
- Requested additional information
- Use of conditions
- Revision to S106 legal agreement

2. Informative: Hedgehogs

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

3. Informative: Nesting birds

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

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

4. INFORMATIVE:

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

5. LEGAL AGREEMENT

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

Contact details:

Author: Victoria Bell Development Management Officer

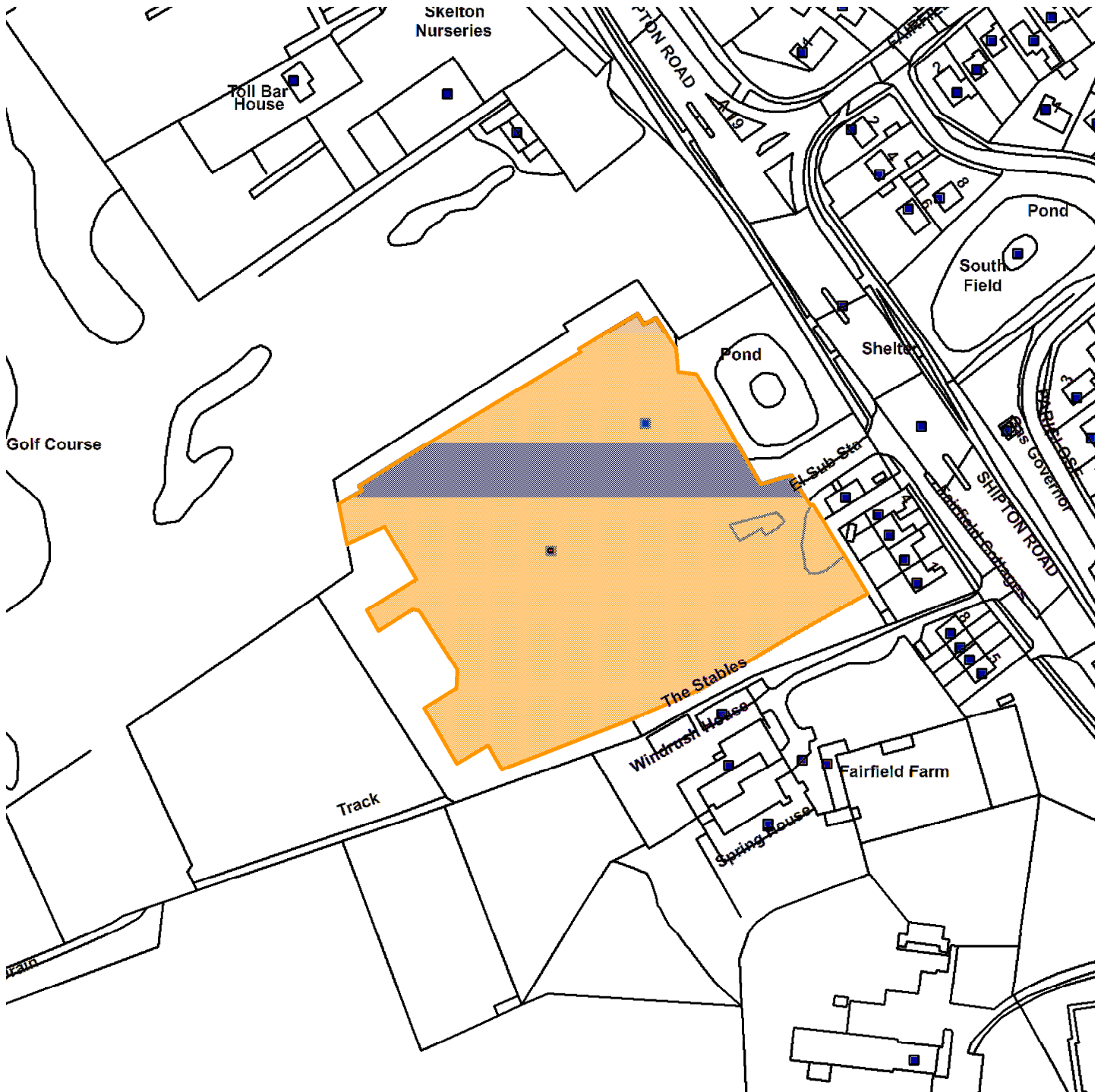
Tel No: 01904 551347

18/01558/REMM

Former Del Monte Site Skelton Park Trading Estate Shipton Road



GIS by ESRI (UK)



Scale : 1:2011

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	11 February 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 February 2019 **Ward:** Rural West York
Team: Major and **Parish:** Skelton Parish Council
Commercial Team

Reference: 18/02583/FUL
Application at: Former Del Monte Site Skelton Park Trading Estate Shipton Road Skelton York
For: Change of use of land to public open space with landscaping
By: Mr Tate
Application Type: Full Application
Target Date: 28 February 2019
Recommendation: Approve subject to the signing of a S106

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of a paddock to public open space. The proposed site is adjacent to a site where there is a current application for reserved matters for 77 dwellings (18/01558/REMM) by the same applicant which is considered elsewhere on this agenda.

1.2 The proposed public open space would include play equipment in the eastern part of the site (closest to the proposed housing development). Access to the site would be from the proposed housing estate. The intention of the developer is that the application site would provide the amenity open space for the adjacent application site 18/01558/REMM. During the construction of the neighbouring site (if approved) the field would be used for the site compound. In addition drainage infrastructure including the attenuation/balancing pond would be sited to the northern corner of the site. The applicant has confirmed that they intend a management company to maintain the proposed public open space.

1.3 The site is within the general extent of the greenbelt. The site is within Flood Zone 1.

2.0 POLICY CONTEXT

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

- CYSP2 The York Green Belt
- CYGP1 Design
- CYGP4A Sustainability
- CYGP6 Contaminated land
- CYGP7 Open Space
- CYGP9 Landscaping

- CGP15A Development and Flood Risk
- CYNE1 Trees, woodlands, hedgerows
- CYNE7 Habitat protection and creation
- CYGB1 Development within the Green Belt
- CYGP13 Planning Obligations

2.2 The Publication Draft City of York Local Plan ('2018 Draft Plan')

- SS2 The Role of York's Green Belt
- HW2 New Community Facilities
- D1 Placemaking
- D2 Landscape and Setting
- GI4 Trees and Hedgerows
- GI6 New Open Space Provision
- GB1 Development in the Green Belt
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination

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

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.1 No objections, the landscape details can be sought via condition to obtain a detailed planting plan and secure a period of management. Would request maintained in perpetuity because it is a public space.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.2 This field is proposed to be used as the site compound during the construction of housing on the former Del Monte site, and then re-landscaped to form Public Open Space. A botanical survey was undertaken by Brooks Ecological in July 2018 to establish the ecological value of the grassland.

3.3 The survey determined that this is species-poor neutral grassland and does not meet the standard to be defined as a Priority Habitat under the Natural Environment and Rural Communities Act (2006) or the City of York Local Biodiversity Action Plan (Sites of Importance for Nature Conservation). The grassland habitat is considered to be common throughout the country and is assessed as being of low conservation significance.

3.4 If created and managed well the proposal for the POS land could make a positive contribution to local biodiversity in the long term.

3.5 Request following condition: Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance.

FLOOD RISK MANAGEMENT TEAM

3.6 No objections but require assurance (by condition) that there are no planting (apart from grass) or play equipment or other construction within these easements to allow free access for maintenance and emergency repairs to the buried apparatus and no planting (apart from grass) in the attenuation basin to enable the required storage volume to be available at all times.

PUBLIC PROTECTION

3.7 The site has previously been occupied by a steam mill, a riding school, a slaughter house and a food manufacturing factory which could all have given rise to land contamination. Additionally, previous site investigation has identified a land drain contaminated with hydrocarbons on the site. A site investigation specific to public open space use of the site is required to find out whether contamination is present. If contamination is found, appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use. Request that this is sought via condition

PUBLIC REALM

3.8 No objections

EXTERNAL CONSULTATIONS/REPRESENTATIONS

SKELTON PARISH COUNCIL

3.9 No objections

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.10 One representation of objection from the neighbouring Skelton Park Golf Course:

- The submitted landscape plan for the recreation area makes no provision is made for security of the boundaries.
- They advise they have not been consulted by the Council regarding the application (*Officer note - a consultation letter was sent 26.11.2018, in addition 2 no. site notices was posted outside the site on 28.11.2018*).

4.0 APPRAISAL

KEY ISSUES

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

ASSESSMENT

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

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

4.5 The Skelton Village Design Statement (2008) sets out a number of pertinent guidelines: All proposed development will be required to satisfy Green belt restrictions outlines in current planning policy (4); Developers of land to the west of the A19 should consider methods of integration with the existing village (6)

4.6 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

4.7 The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 11 does not applying this case as the more restrictive policies apply concerning green belt.

OPENNESS AND PURPOSES OF THE GREEN BELT

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

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

4.9 The proposed development is out with the Skelton settlement envelope shown in the proposal maps of the Draft Development Control Local Plan (2005) and the draft Local Plan 2018. The settlement envelope does include the neighbouring former Del Monte Factory site.

4.10 The site is identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those

areas surrounding the City that should be kept permanently open. The site is D5 and is an extension to a green wedge. The land to the west of the A19 in this area forms part the extension to the green wedge between Poppleton and Skelton. This land has been identified as are of undeveloped land situated outside the ring road and connecting green wedges. It is considered that it is important that these areas remain open in order to retain the open approach and rural setting of York and ensure the future extension of green wedges. In particular this area has been identified in order to retain the open approach, rural and historic setting of York between the east coast railway line and A19, both routes of which are important approaches to the city.

4.11 Additionally, when the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined it serves a number of Green Belt purposes, including assisting in safeguarding the countryside from encroachment. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF (2018).

4.12 The proposed attenuation basin is considered to fall within engineering operations category and is not considered to impact on openness or conflict with the purposes of including land within the greenbelt. The proposed play equipment, paths and fencing would have a modest impact on the openness of the greenbelt and would encroach on the green wedge, and therefore does not fall within any of the categories in Paragraphs 145 and 146 of the NPPF. In addition it would conflict with the purposes of including land in the greenbelt including to check the unrestricted sprawl of large built-up areas; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns.

4.13 The proposed development therefore is inappropriate development in the Green Belt. The proposed development would result in an increase in encroachment of development into the Green Belt therefore resulting in harm to the openness and permanence of the greenbelt.

4.14 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.15 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. Additionally, the proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green

belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed at paragraphs 4.22 to 4.24 below.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.16 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The advice in Chapter 7 is replicated in Draft Local Plan (2005) Policy GP1 (Design) and D1 (Placemaking) of 2018 Draft Local Plan and, therefore, these policies are considered to accord with the NPPF. The policies require new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.17 The site is not currently visible from the public land. The Public Realm team and the Landscape Architect have no objections to the proposed development however they seek further details on the play equipment and a detailed design of the landscaping, this could be sought via condition. The proposed layout is not considered to result in harm to the landscape or the visual amenity of the area. The applicant has advised that the land would be maintained by a Management Company. As such it is considered that the S106 for the adjacent land could be varied to include the management of this land as well.

4.18 Comments have been received from the Skelton Park Golf Course, they are concerned regarding the lack of boundary treatment between the application site and the neighbouring golf course and the health and safety implications. There does not currently appear to be a fence separating the golf course from the application site. The plans show a native species hedge demarcating the boundaries of the proposed open space together with trees to the north west boundary.

4.19 The use of the site as public open space is not considered to result in visual harm to the area. As with the neighbouring golf course the character of the application site will alter by being open to public access, however this is not considered to result in additional harm.

DRAINAGE

4.20 Part of the site would include the formation of an attenuation basin (1 in 6) in association with a drainage scheme for the neighbouring proposed housing development. In addition underneath the site the applicant proposes attenuation tanks to be buried between the basin and the proposed housing which discharge to the basin and Hurns Gutter. As such the basin and the drainage infrastructure would require an easement, revised plans have been sought from the applicant.

ECOLOGY

4.21 An ecology survey was submitted in support of the application. The species-poor neutral grassland habitat is considered to be common throughout the country and is assessed as being of low conservation significance. If created and managed well the land could make a positive contribution to local biodiversity in the long term. Further details of the planting proposals could be sought via condition

RESIDENTIAL AMENITY

4.22 The proposed formal children's play space would be set sufficient distance from the proposed nearby existing and proposed dwellings to prevent disturbance. The public open space would be a benefit to the residential amenity of the housing development and also the wider village

ASSESSMENT OF OTHER CONSIDERATIONS

4.23 Paragraphs 143-144 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweighs the potential harm to the Green Belt (and any other harm) so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt.

4.24 The proposed development by virtue of the proposed range of planting would result in increase in the biodiversity of the site. Given the proximity to the site of the proposed housing it is likely that the site would be informally used as amenity space whether planning permission was granted or not. The proposed development would result in increase in public amenity open space above what could be created on the neighbouring development. The NPPF encourages development which are inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The large area of public open space would be an enhancement of the public open space facilities available in Skelton, and would benefit the village as a whole. The Local Plan Evidence Base Study: Open Space and Green Infrastructure Update (September 2017) sets out that there is a deficit of amenity green space and children play areas in this ward. Whilst there is some harm to the openness of the greenbelt it is unlikely that the proposed development would result in visual harm to the area, the landscaping will eventually screen much of the impact from the surrounding area.

4.25 These are considered to be cumulatively 'very special circumstances' that are considered to clearly outweigh the definitional harm to the greenbelt and the harm to the openness and permanence of the Green Belt.

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have some harm on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine three of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

5.3 It is considered that the net gain to biodiversity and the provision of public open space provided for the benefit of the wider village are very special circumstances that are considered to outweigh the definitional harm to the openness and permanence of the greenbelt even when substantial weight is given to any harm to the Green Belt.

6.0 RECOMMENDATION: Approve subject to the following conditions and a variation of the S106 agreement for the outline planning permission (14/01478/OUTM) to ensure that the open space land is adequately maintained in perpetuity

1 TIME2 Development start within three years

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

Drawing Number R/2133/5b received 05 February 2019;

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

3 Prior to the commencement of the development hereby approved, details of the proposed play equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

Reason: To ensure that adequate facilities are provided.

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

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

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

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

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

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

receptors.

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

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

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

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

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed planting plan in accordance with the approved Landscape Masterplan (Drawing Number R/2133/5b received 05 February 2019) which shall include the species, stock size, density (spacing), and position of trees, shrubs, bulbs and other plants; seeding mix, sowing rate and mowing regimes where applicable. It will also include details of tree pits and support and ground preparation and fencing. Any trees or plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. The full scheme shall be implemented prior to the occupation of the 70th dwelling of planning permission 18/01558/REMM and 14/01478/OUTM.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development. To ensure there is access to open space during the construction of the development when some of the dwellings become occupied.

9 The parts of development hereby approved not being used for drainage infrastructure and site compound (for planning permission 18/01558/REMM) shall be implemented prior to the occupation of 40 of the dwellings (of planning permission 18/01558/REMM). Prior to the occupation of the 70th dwelling (of planning permission 18/01558/REMM) the open space development hereby approved shall be completed.

Reason: To ensure that the development takes place. Development approved by 18/01558/REMM is not acceptable without the open space hereby approved. To ensure that the works take place at the appropriate time and that the occupants of the adjacent housing development have access to the open space.

10 Where it is intended to create semi-natural habitats, all species used in the planting proposals (Drawing Number R/2133/5b received 05 February 2019) shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To conserve and enhance biodiversity by preventing the spread of non-native species and those of no local provenance.

11 Before the commencement of and during the development/change of use, adequate measures shall be taken to protect the retained trees on this site (as shown in Drawing Number R/2133/5b received 05 February 2019) in accordance with BS5837:2012. The means of protection shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

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

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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Requested revised plans
- Requested additional information
- Use of Conditions
- Use of legal agreement

2. INFORMATIVE:

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

3. LEGAL AGREEMENT

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

Contact details:

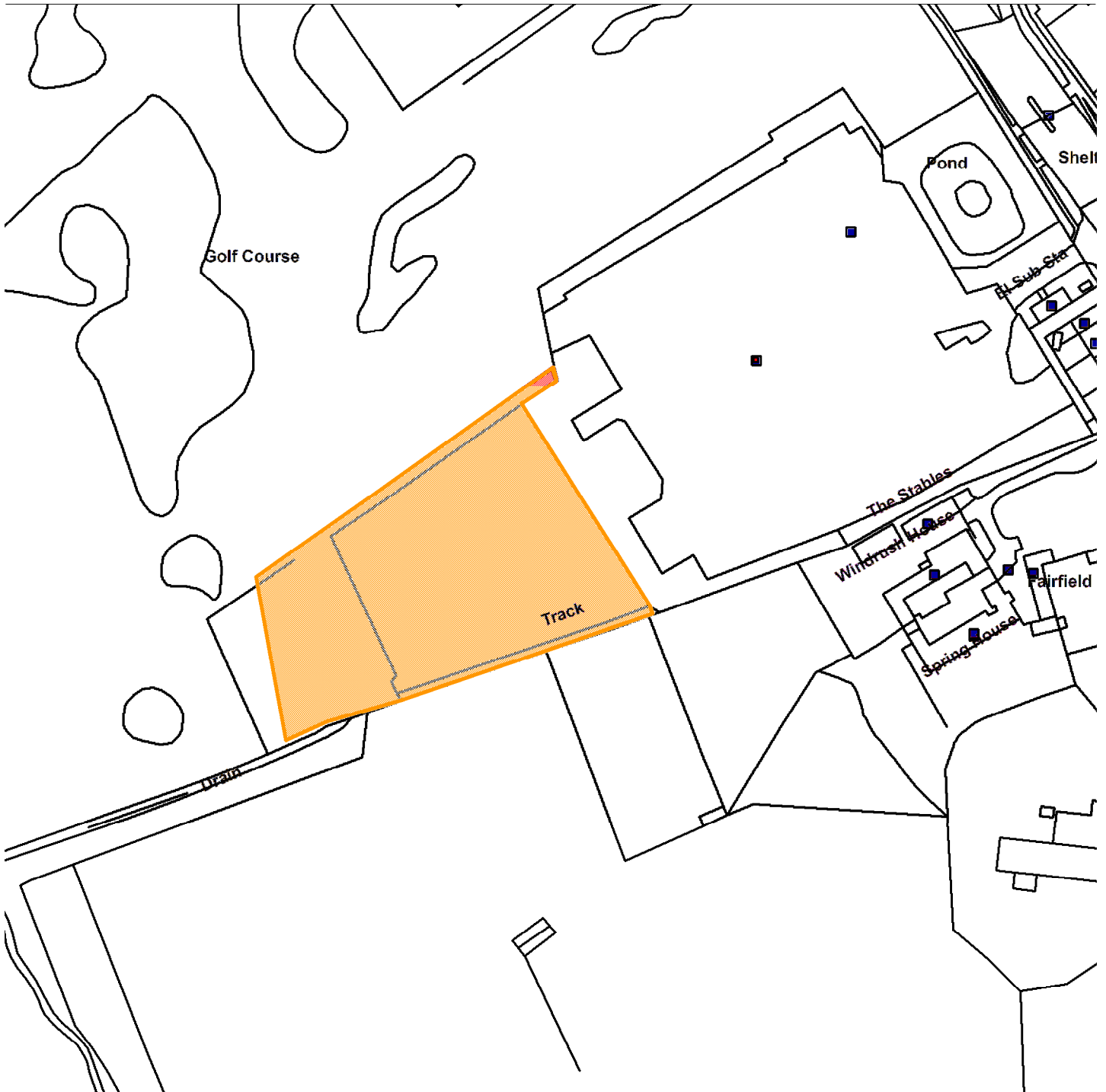
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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18/02583/FUL

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



Scale : 1:2011

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	11 February 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 February 2019 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
Commercial Team Parish Council

Reference: 16/01061/FUL
Application at: Forest Hill Farm Pottery Lane Strensall York YO32 5TW
For: Change of use of land and building to a bus depot including an extension to the north elevation of the main building complex and a detached single storey office building, and hardstanding (retrospective) (resubmission)
By: York Pullman Bus Company Ltd
Application Type: Full Application
Target Date: 28 February 2017
Recommendation: Refuse

1.0 PROPOSALProposal

1.1 The application site is situated to the north of Pottery Lane and around 1.7km north-west of the village of Strensall. It includes land, totalling approximately 0.89 hectares in area, to the north of the former Forest Hill Farm farmhouse and comprises a collection of former agricultural buildings and surrounding land. Access is gained from Pottery Lane to the south, via an approximately 80m long private drive shared with Forest Hill Farm former farmhouse. The site lies in Flood Zone 1 (low probability).

1.2 The application seeks full planning permission for the continued use of the land and buildings as a bus depot along with the retention of associated building works. The proposal includes the retention of existing landscaping and additional further landscaping. The bus depot is operated by York Pullman Bus Co Ltd. The depot would provide for the storage and maintenance of 20 mixed single and double decker buses and 10 car parking spaces. The number of staff based at the depot includes 20 full-time and 5 part-time employees.

1.3 The applicant has submitted further information to support the proposal, including background details of the company and location to the application site as well as the services that the company provides. This includes home-to-school services for the City of York, citywide event services such as York race meetings and University of York open days, and emergency support services, such as emergency rail replacement and support during flood events within the City.

1.4 The application has been called-in to Committee by Councillor Doughty on the following grounds:

Application Reference Number: 16/01061/FUL

Item No: 3d

- This application requires close scrutiny should any decision put what is a prominent local business and employer in operating difficulty.
- Concerned about the potential impact any enforcement might have on home to school bus services and notes the applicant has issued statements in documents that there are no other sites available from which the business could operate.

2.0 POLICY CONTEXT

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

2.2 National Planning Policy Framework (July 2018)

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

- CYSP6 - Location strategy
- CYSP8 - Reducing dependence on the car
- CYGP1 - Design
- CYGP4A - Sustainability
- CYGP9 - Landscaping
- CGP15A - Development and Flood Risk
- CYNE3 - Water protection
- CYGB1 - Development within the Green Belt
- CYGB3 - Reuse of buildings
- CYGB11 - Employment devt outside settlement limits
- CYT4 - Cycle parking standards

2.4 City of York Publication Draft Local Plan (2018) – relevant policies:

- DP2 – Sustainable Development
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- D1 – Placemaking
- D2 – Landscape and Setting
- GB1 – Development in the Green Belt
- ENV1 – Air Quality
- ENV2 – Managing Environmental Quality
- ENV3 – Land Contamination
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage
- T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raised no objections to the previous 2014 and 2015 applications, but sought clarification about ownership of the farmhouse and hours of operation that have been provided with this application. It is requested that occupation of the residential property be tied through condition to the business due to the potential for conflict between use of the site as a bus depot and occupation of the residential dwelling. No objections are raised given that the site is already operating and has been for a number of years without complaint. Requests that electric charging facilities for the buses are provided with regards air quality and low emissions in accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy, adopted in October 2012.

Network Management

3.2 Initially requested further information about service routes and destinations and raised concerns about the suitability of the narrow lane to serve a bus depot. Following discussions with the applicant, request the creation of two passing places along Pottery Lane in accordance with indicative drawings showing a passing place on the north side of the lane, east of the site entrance and a second passing place on the south side of the lane by Oakwood Farm. The passing places need to be constructed to adoptable standards at the applicant's expense. Condition requested to seek details of the passing places.

Planning and Environmental Management (Landscape Architect)

3.3 The proposed Landscape Mitigation Plan provides suitable landscape mitigation, and makes a valuable addition to the landscape and wider views of the application site, with the exception of the Leyland Cypress hedge. This hedge would introduce an incongruous landscape feature, and should be removed and replaced with a double-row mixed native hedge. The coaches are generally not visible from the land at the front of the original farmhouse, which sits pleasantly back from the road beyond a small paddock/orchard/meadow. In all, the existing and proposed planting is an asset to the area, with the exception of the Leyland Cypress.

Forward Planning

3.4 It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed. Policy GB1: Development in the Green Belt, in relation to the setting of detailed boundaries for York's Green Belt through the Local Plan is considered to have limited weight at this stage in line with para 216 of the NPPF due to the fact

that there are unresolved objections to be considered through the examination in public.

3.5 The site is located within the general extent of York's Green Belt (as per 'saved' RSS policy illustrating the Green Belt's general extent), and the land is considered to serve Green Belt purposes. Given the likely impacts on openness, and within the context of NPPF paras 143 to 147, the application amounts to inappropriate development in the green belt. Substantial weight should be given to the harm caused by the development's inappropriateness and any other harm the scheme causes. Development should not be approved except in very special circumstances; it will be for the applicant to prove that very special circumstances exist which would outweigh the potential harm to the Green Belt.

3.6 Previous advice concluded that although the use of the site as a bus depot could help deliver a fundamental shift in travel patterns by providing a facility to improve public transport, the nature and the extent of the development for which retrospective planning permission is being sought could be considered as 'inappropriate development' and, by definition, harmful to the Green Belt, so it should not be approved except in very special circumstances. The applicant at that point did not appear to have demonstrated a sufficient case for very special circumstances (i.e. to show that the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations) and therefore a Policy objection was raised to both previous applications. This issue remains to be resolved.

3.7 There has been some debate as to whether the site falls within the general extent of York's Green Belt, given that the site lies slightly beyond the 'saved' policy's stated 6 miles from the centre of York. Forward planning has given relevant advice on two previous occasions – in June 2015 on application ref 15/00711/FUL and January 2017 on 16/01061/FUL. The advice given previously is that the site is shown beyond the extent of the green belt policy SP2 on the 2005 draft proposals map, the boundary of which reflects earlier plans; it is therefore open countryside in the 2005 Plan. However the 2005 Plan does not form part of the statutory development plan. Whilst its policies are considered to be capable of being material considerations in the determination of planning applications where relevant and consistent with NPPF, the weight that can be applied is limited. Previous advice also states that the site falls within the general extent of the Green Belt (as defined in the RSS) and that the York Green Belt has been established for many years but has never been formally adopted. As per para 2.1 above, whilst the Regional Strategy for Yorkshire and Humber has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. Therefore, it is expected that development management decisions in advance of the adoption of the Local Plan will be taken on the basis that the land is treated as Green Belt.

3.8 Forward Planning is of the view that there are difficulties in using the key

diagram to assess the site's specific location in relation to the Green Belt's general extent; a key diagram is not a policies map and is not reproduced from, or based on, an Ordnance Survey map. The key diagram is intended to be indicative because RSS Policy Y1 requires the boundary to be defined at the local level. This does not mean that the 'white land' out with the boundary is not designated as Green Belt, because the key diagram is indicative, not based on geography. The Inspector's report to the Brecks Lane Inquiry references an earlier appeal decision at Cowslip Hill which is similarly further than 6 miles from York City Centre and which was considered as within the outer edge of the Green Belt. The consistent line taken by decision takers (the Secretary of State particularly¹) has been that sites which fall within the general extent of the Green Belt should be subject to the strict controls of Green Belt policy. We are satisfied that this application site falls within the general extent of the York Green Belt and should be afforded the commensurate protection of Green Belt policy.

3.9 The 2018 Draft Plan Policies Map illustrates the proposed inner and outer boundaries of the York Green Belt. York's Green Belt boundary has been drawn to maintain openness and retain permanence, reflecting the guidance set out in NPPF above. Broadly, the proposed Green Belt boundary follows historical features (Parish boundary and CYC administrative boundary with Hambleton District Council), natural features (field boundaries, hedge/tree/shrub lines), tracks and a road. Land within the Green Belt is held to serve Green Belt purposes. Having regard to the five purposes of Green Belt land, purposes 3, 4 and to some extent 5 in general terms are relevant to the swathe of land within which the application site sits.

EXTERNAL

Foss Internal Drainage Board

3.10 This application sits within the Foss (2008) Internal Drainage Board district. The Board does have assets adjacent to the site in the form of Primrose Dyke; this watercourse is known to be at capacity in high flow conditions. It further discharges to the River Foss which has recently had flood capacity problems in its lower reaches at the Foss Barrier. It is noted that on the current application form the proposal for the disposal of the surface water is via a soakaway. The Board would welcome this approach to surface water disposal but the application appears to relate to a number of different methods of surface water disposal in reality. Requests conditions seeking a full drainage strategy given the lack of surface water disposal details and conflict between the application form and Drainage Report.

North Yorkshire County Council

3.11 No comments to make regarding the proposed development.

North Yorkshire County Council (Integrated Passenger Transport)

3.12 This application does not impact on the operation of either home to school or local bus services.

Strensall Parish Council

3.13 The Parish Council raise several objections:

(i) The site location is only accessible via a narrow road where it is impossible for two vehicles to pass without damaging the verge. There is no request in the application to upgrade the access road to provide passing places or upgrade of the road surface itself. Most of the vehicles using that road are either agricultural or commercial and therefore larger and wider than a normal car, making passing a bus impossible without damage.

(ii) The screening should be with mature trees and shrubs which will be effective more quickly than semi-mature ones.

(iii) Consultation with North Yorkshire County Council Highways and Hambleton District Council must take place to ensure that the highway and verges under their control that are affected by this transport operation can be modified either with the inclusion of suitable and sufficient passing places or the highway widened so that the verge damage is reduced or eradicated.

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.14 Owner/occupier of Hundred Acre Farm raises no objections.

- It is a very tidy operation and drivers always drive slowly and are very courteous to car drivers;
- The benefits to the wider community of good coach company that serves local schools outweighs any visibility issues from the roadside (which will be made good with a planting scheme);
- Concerned about use of road in general by other vehicles.

4.0 APPRAISAL

4.1 The key issues material to the consideration of the application are:

- Principle of development;
- Green Belt policy;
- Access and highway safety;
- Character and appearance;
- Residential amenity;
- Flood risk and drainage;

- Other considerations.

BACKGROUND AND PLANNING HISTORY

4.2 Relevant planning history for the site is as follows:

- 04/03902/FUL - Conversion of barn to caravan storage approved;
- 09/00725/FUL - Change of use from caravan storage to coach/bus storage and maintenance approved;
- 14/02793/FUL - Retrospective application withdrawn for change of use of land to coach/bus storage;
- 15/00711/FUL - Retrospective application for change of use of land and building to a bus depot including an extension to the north elevation of the main building complex and detached single storey office building and hardstanding refused.

4.3 The application site comprises the former agricultural land and buildings to the rear of the original farmhouse, occupied by the applicant. An aerial photograph from 2002 shows the site in use as a farm with the farmhouse to the south of a collection of agricultural buildings. Permission had been granted for the change of use of the buildings to caravan storage in 2004 and subsequently for bus/coach storage in 2009 – the latter submitted by Mr T James, who is the current owner of York Pullman Bus Company. Both these approvals related to one former agricultural building comprising three attached barns. Conditions were attached to the 2004 application to restrict the use to storage of caravans only within the building with no outside storage in order to protect the openness of the Green Belt. Conditions were attached to the 2009 approval restricting the 'building the subject of the application' for the storage of buses and coaches only and prohibiting any external storage in the interests of the protecting the open countryside. Street Views from March 2009 and April 2011 show that there was no external storage of caravans or buses/coaches.

4.4 Following the division of the original business based at Rufforth Airfield, K&J Logistics, the applicant relocated some of the buses/coaches to the application site. The company now comprises a network of depots providing services in the York area following the purchase of sites in Market Weighton (Ideal Motor Services), Warren Lodge site at the A64 Bilborough Top junction and Hospital Fields Road (Inglebys Luxury Coaches). In the Yorkshire area, the business has sites in Boroughbridge (Dodsworth Coaches), Harrogate (Wrays of Harrogate), Leeds (Godsons Coaches) and Selby (York Pullman). The business provides home-to-school, emergency rail replacement and event services, such as York race meetings, from the various depots. However, planning permission has been refused by Selby District Council (ref. 8/84/38G/PA 10.2.17) for the use of the Warren Lodge at Bilborough Top as a bus depot on the grounds of harm to highway safety due to the lack of adequate visibility at the site entrance. Warren Lodge was used primarily

for home-to-school services for Tadcaster School and emergency rail replacement. With regards to the depot at Forest Hill Farm, there are currently 7 no. buses that take children from Sutton-on-the-Forest, Strensall and Stockton-on-the-Forest to Huntington School and one bus taking to St. Wilfred's RC School.

4.5 The 2015 planning application for the retention of the bus depot at Forest Hill Farm was refused on three grounds relating to the impact on open countryside, highway maintenance and unsustainable location. The site was not considered as falling within Green Belt, though it was considered to be in the response from the Council's Strategic Planning Team.

4.6 On 7 February 2019, a lawful development certificate (ref.18/02599/CLU) was granted confirming the use of part of Rufforth Airfield for a mixed use as haulage business and the headquarters and operational base of a bus and coach operator, including parking of buses and coaches, vehicle maintenance and administration. The applicant for the CLU application is the same applicant for this planning application. As part of the CLU submission, a sworn affidavit is provided by the applicant confirming his involvement in the Rufforth site and its use as the operational base for York Pullman Buses.

POLICY CONTEXT

Development Plan

4.7 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.. The Saved RSS 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. 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.

Draft Local Plan

4.8 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2. The site lies within an area of white land on the Proposals Map that accompanies the draft 2005 plan.

Emerging Local Plan

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

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

4.10 Relevant policies are set out in section 2. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The Proposals Map accompanying the 2017 plan includes the site within Green Belt land around York.

National Planning Policy Framework

4.11 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2018) places emphasis on achieving sustainable development. The relevant chapters of the Framework include 11 'Making effective use of land', 12 'Achieving well-designed places', 13 'Protecting Green Belt land', 14 'Meeting the challenge of climate change, flooding and coastal change' and 15 'Conserving and enhancing the natural environment'.

PRINCIPLE OF DEVELOPMENT

4.12 The RSS York Green Belt policies and key diagram illustrate the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner boundaries and the rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The outer boundary of the Green Belt has not formally been defined or identified in an adopted plan, but it is considered in the RSS to be 'about 6 miles' from the City Centre (taken as being St. Sampson's Square). It is considered that the figure is intended to be an indicative measurement.

4.13 The application site lies at a distance of about 6.5 miles from the City Centre - the access to the site is within the 6.5 miles radius measured from St Sampson's Square and the bulk of the site is on or beyond the 6.5 miles, but less than 6.6

miles. It is noted that the Inspector for the appeal relating to the Brecks Lane site at Strensall, which lies about 6.4 miles from the City Centre, considered that this site was within the general extent of Green Belt. In her decision, she refers to the unchallenged appeal decision at Cowslip Hill, Strensall, which lies at a distance of approximately 6.5 miles from the City Centre. The Secretary of State in refusing planning permission on 18 March 2015 concurred with the Inspector that the site at Brecks Lane be considered as within the outer edge of the Green Belt. It is noted that both of these sites fall within the Green Belt designation on the 2005 Local Plan Proposals Map.

4.14 The application site was included in an area of white land within the 2005 Draft Local Plan and was excluded from the York Green Belt. The reason for this is unclear, but would seem to reflect the position taken in the North Yorkshire Green Belt Local Plan (1995) and Southern Ryedale Lane Plan, and therefore was a position inherited by York when the land became part of the City's administrative boundary as a result of the 1996 Local Government re-organisation and taken forward in the preparation of the 1998 York Local Plan that became the 2005 Draft Local Plan. The previous 2015 application did not assess the proposals against Green Belt policy as it was taken that the site lay outside the City's Green Belt. However, the Council's Strategic Planning Team considered at the time of the 2015 application and in response to this application that the site should be considered as falling within the general extent of Green Belt. Since this time, the 2018 Publication Draft Local Plan has been progressed and has now been submitted for examination. This emerging Local Plan includes the site within the City's Green Belt.

4.15 Forward Planning have confirmed that the outer Green Belt boundary in the emerging Local Plan has been drawn to maintain openness and retain permanence, based on an assessment of land against the Green Belt purposes set out in paragraph 134 of the NPPF. The proposed Green Belt boundary follows historical features such as administrative and parish boundaries, natural features such as field boundaries and manmade features such as tracks and roads. The swathe of land within which the application site sites has been assessed against the five purposes. In particular the land lies within an area of open, typically agricultural countryside to the north west of Strensall and is dominated by flat open fields, with views of isolated farms and hedge and tree boundaries. It is considered that the area within the site sits seeks to safeguard the countryside from encroachment and preserve the setting and special character of the historic town of York, which comprises the main urban area of York encircled by a number of smaller peripheral settlements set within relatively flat open countryside.

4.16 The agent for the scheme disagrees with this conclusion and, whilst accepting that sites lying within 6.5 miles could be described as 'about 6 miles' from the city centre, considers that the site lies outside the radius of 6.5 miles and is nearer to 7 miles than 6 miles. He refers to the lack of consistency with the 2015 decision for the site, the well established lawful nature of the site as an existing agricultural yard and his assessment that the site serves no Green Belt purpose. He considers that a

determination contrary to the previous decision when there has been no material change to the development plan would be unlawful.

4.17 However, taking into account the advice from Forward Planning, the Brecks appeal decision and the inclusion of the site in Green Belt in the emerging Local Plan based on the contribution the area of land that the site lies within to the purposes of Green Belt, Officers' consider that the site should be treated as falling within the general extent of Green Belt. In accordance with paragraph 11 of the NPPF, the more restrictive policies in section 13 of the NPPF apply.

GREEN BELT POLICY

4.18 Paragraph 133 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. Paragraph 134 sets out the five purposes of the Green Belt:

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

4.19 The proposal seeks retrospective consent for the use of land and buildings on it as a bus depot along with the retention of buildings and hard standing that have been added at the site without the benefit of planning permission.

4.20 The starting point in Green Belt policy terms is that development in the Green Belt is inappropriate unless it falls within the exceptions in paragraphs 145 and/or 146. The retrospective proposal for the bus depot includes the re-use of existing buildings, change of use of agricultural land, extension to building 1, the erection of a single storey office building and creation of hardstanding to park buses and coaches externally.

4.21 The largest building on site, referred to as buildings 1 and 2 on the plans, is that to which the 2009 consent relates and has a lawful use for the storage of buses and coaches. Buildings 4, 5 and 6 have no lawful use for their present use. The re-use of the buildings within Green Belt can be considered to be appropriate in accordance with paragraph 146 of the NPPF providing they are of permanent and substantial construction. The buildings have clearly been present for a significant period of time and appear on an aerial photograph of the site dating from 2002. Therefore, whilst no structural survey has been submitted, it is evident that the buildings are of permanent and substantial construction and are suitable for the intended use for vehicle storage.

4.22 The extension to the north of building 1 replaces a previous, albeit smaller, structure. The proposal would increase the footprint of the former element by 50% and its height by approximately 2.5m at eaves. However, the increase can be considered to be a proportionate addition to the existing larger vehicle storage building.

4.23 The provision of the single storey portable office would fall outside the exceptions in paragraphs 145 and 146 and would constitute inappropriate development in the Green Belt, though the location of the building is such that there would be limited harm on the openness of the site or that of the Green Belt.

4.24 The use of the site as a depot has involved the creation of outside storage areas for parking approximately 20 buses/coaches with further provision of staff and visitor parking on land that was previously grassed as part of the land around the former farm yard. Paragraph 146 of the NPPF considers that engineering operations and material changes in the use of land within the Green Belt are not inappropriate provided that they preserve its openness and do not conflict with the purposes of including land within it.

4.25 There is no definition of openness in the NPPF, but the Courts have considered it to be an absence or freedom from buildings or built development and that it has a visual as well as spatial aspect. The parking of buses/coaches and other vehicles within the site on what is land used in connection with an agricultural purpose would impact, both spatially and visually, the open character and appearance of the site and the surrounding area due to the flat nature of the landscape. This change of use of the land and engineering works involved the creation of the parking areas are considered to be inappropriate development in the Green Belt. Further, the landscaping proposed, introduces a more substantial tree belt into a relatively open landscape, interrupting wider views across the land and thereby impacting on openness.

4.26 The applicant has a depot at Warren Lodge at Bilborough Top, adjacent to the A64 west of York. This site has most recently been refused planning permission on the grounds of highway safety, though a previous Inspector did accept a depot for emergency rail replacement transport as a 'local transport infrastructure'. Paragraph 146(c) includes as potentially appropriate development in the Green Belt local transport infrastructure if it can be demonstrated that there is a requirement for a Green Belt location and, as before, openness is preserved and there is not conflict with Green Belt purposes. The applicant claims that the bus depot is also local transport infrastructure as buses sited here also fulfil an emergency rail replacement service. He has been given the opportunity to provide evidence as required by the Inspector for the Warren Lodge appeal application to demonstrate that there is a requirement to provide this depot in a Green Belt location, but has not done so due to his opinion that the site is not within Green Belt. An analysis of alternative sites put forward by the Council was undertaken prior to December 2015, with the seven sites dismissed on the basis that substantial investment has been made at Forest

Hill Farm in order to accommodate the services operating from the site and the business could not withstand the cost and disruption of relocating the bus depot to another site. However, the applicant has chosen to make such investments at the site without first having the benefit of planning permission for the level of the operation and was therefore at his own risk.

4.27 The depot provides for the daily home-to-school service for children from Strensall to Huntington School (involving seven buses according to the business website), with a less frequent servicing of event days and for rail replacement services. Over recent years the number of bus companies able to offer the home-to-school service has significantly reduced with Stephensons and Just Travel both ceasing trading. However, the number of buses based at Forest Hill Farm taking children to Huntington School on a daily basis during weekdays is seven, with six collecting children from Strensall village and one collecting children from Stockton on-the-Forest (taken from York Pullman website). The company provides the home-to-school service for other schools in and outside York, which are not close to the Forest Hill Farm site. Even allowing for some additional buses in the event of vehicles breaking down or to facilitate other services provided to the local schools, this does not justify the amount of storage and the resulting encroachment into the countryside that is proposed at the site.

4.28 Whilst claimed to be used as part of the rail replacement service, this was also the stated intention of the Bilborough Top site and it is noted that Forest Hill Farm is physically removed from the primary road network (such as A64) and the key railway stations in the area. Other depots operated by the business, such as Bilborough Top, Hospital Fields Road and Rufforth Airfield, are better placed in the City and its surrounding area to fulfil an emergency rail replacement requirement, due to their close proximity to main roads within the highway network and easier access to the main railway stations, such as York. Furthermore, the depot would not preserve openness and would lead to encroachment into the countryside beyond the former farmyard due to the external storage of vehicles.

4.29 Aspects of the scheme are considered to be inappropriate development within the Green Belt and as such are harmful by definition. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

ACCESS AND HIGHWAY SAFETY

4.30 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site is located approximately 1.7km north-

west from Strensall, accessed from the public highway network via a narrow rural lane leading from Strensall to Huby and beyond to Easingwold. The site is not served by public transport and there are no footpaths or street lighting. It is not within easy walking distance of Strensall village and the nearest public transport route. Therefore, a commercial operation at the site is heavily dependent on private travel by its staff.

4.31 As mentioned above, the bus depot provides a home-to-school service for the local settlement of Strensall and Stockton-on-the-Forest to Huntington School, consisting of seven buses collecting and dropping children. The agent states that this in itself would significantly benefit sustainability by reducing the reliance on travel by private car as a result of drop offs and pick ups of school children by parents. The delivery of this service for the children of York is clearly important where there are no other public transport alternatives.

4.32 The narrow width of the access road to the site from Strensall is not sufficient to accommodate two buses passing one another or a bus passing other vehicles, be it farm vehicles or private cars. This has resulted in vehicles having to dismount the roadway to allow the vehicles to pass. Whilst the road is a quieter route than others within the City, the siting of a bus depot on it has increased the number of vehicle movements and as a result the potential for conflict between road users and an erosion of highway safety.

4.33 Network Management originally objected to the application as a result of the adverse impact on highway safety from the unsuitable location for a bus depot, but have been in lengthy discussion with the applicant about the provision of two passing places along Pottery Lane to facilitate vehicles passing. The road is straight and so visibility of approaching vehicles is possible. As a result of these discussions, the applicant has been asked to contribute to the provision of the passing places, which are proposed within his land to the north of Pottery Lane and at the junction with Forest Lane. The provision of the passing places can be secured through condition, which would meet the tests required of planning conditions in paragraph 55 of the NPPF.

CHARACTER AND APPEARANCE

4.34 Chapter 12 of the NPPF gives advice on design, placing great importance on the design of the built environment. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area. These aims are reflected in draft Local Plan policies GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 emerging Local Plan.

4.35 The proposal involves landscaping of the site boundaries to minimise or mitigate the impact of parked buses and coaches in views of the site and across the relatively flat open and flat landscape. The Landscape Mitigation Plan submitted in

support of the application proposes the retention of the existing Leyland Cypress on the southern and eastern site boundaries, the retention of existing Norway Spruce on the northern site boundary and two new shrub and tree belts, one within the site and one along the western site boundary. The plan provides suitable landscape mitigation and would be an asset to the landscape that would help to screen the buses, but the Leyland Cypress hedges would be an incongruous landscape feature and should be replaced with a mixed nature hedge.

4.36 On the basis of the current proposal, the site would appear as an incongruous feature in the landscape. Whilst the Leyland Cypress trees could be replaced with more appropriate native tree planting to screen the site, secured through condition, the buses, in particular the double decker buses, would still be visible to some extent given their height and the flat and open landscape. Some weight is attributed to this harm to visual amenity.

RESIDENTIAL AMENITY

4.37 Paragraph 127(f) of the NPPF seeks that developments create a high standard of amenity for existing and future users. Paragraph 180 of the NPPF also states that new development should be appropriate for its location taking into account the likely effects of pollution on health and living conditions, including mitigating any impacts from noise and light pollution.

4.38 The site is relatively remote and is surrounded by agricultural fields. The nearest residential property, Hundred Acre Farm, lies to the west and is separated by a field. The residents of this property have written in to support the proposal. Residential properties on Pottery Lane to the east would be impacted by passing buses, though it is noted that the number is limited and that journeys are limited. Bus activity on site would be mitigated by the boundary landscaping. As such, Public Protection raises no objections to the application subject to a condition linking the occupation of the dwelling onsite to the use of the site to avoid potential conflict and, as such, no further harm is identified. Further discussion is encouraged by Public Protection about the installation of electric vehicle charging points to meet the Council's Low Emission Strategy (2012), supported by the NPPF.

FLOOD RISK AND DRAINAGE

4.39 Paragraph 155 of the NPPF states that development should be directed to the areas of low flood risk and that development should be made safe for its lifetime without increasing flood risk elsewhere. Policies GP15a of the 2005 Draft Local Plan and ENV4 and ENV5 of the 2018 emerging Local Plan reflect the advice of the NPPF.

4.40 The site is located within Flood Zone 1 (low probability) and should therefore not suffer from river flooding. The use involves a less vulnerable use that is appropriate in Flood Zone 1. Foul water is to be discharged to a cess pit and surface

water to land drainage/ditch with water from vehicle washing filtered through a silt trap. The Internal Drainage Board has requested conditions be imposed to ensure that the site is adequately drained with increased risk of flooding from local watercourses, which are known to be at capacity in high flow conditions.

OTHER CONSIDERATIONS

4.41 Paragraphs 143-144 of the NPPF advice that permission should be refused for inappropriate development, unless other considerations exist that clearly outweigh identified harm to the Green Belt, which would amount to very special circumstances.

4.42 The applicant strongly disagrees that the site is within the Green Belt, but if this view is taken by the Council, then the applicant considers that the use comprises local transport infrastructure for which there is no suitable and available alternative site. The primary very special circumstances is considered by the applicant to be the severe impact on the provision of home-to-school services in York if the site is lost, and as a result of this, the loss of a business and many existing and future jobs. The applicant considers that there is a fall-back position, being the 2009 planning permission. The applicant points out that the private bus and coach services provided by the company cannot be separated from the home-to-school services as buses are interchangeable.

4.43 It is acknowledged that the bus company does deliver a valuable service to the City in terms of its home-to-school service in particular and that the storage of some buses at the site to facilitate the delivery of this service for local children in Strensall to Huntington School is sustainable and appropriate. However, the issue is whether there is a justified need for this remote site to be used for the storage of the proposed number of buses and coaches, which significantly exceeds the number that serve the local home-to-school need in this area of the City and would harm the openness and purposes of the York Green Belt and impact on the rural character and appearance of the local environment. It is understood that the company has other locations in and around the City that are currently used for parking buses and could continue to be so and which are more sustainable and accessible to deliver other services offered by the company. Some of these sites are within the urban area, such as Hospital Fields Road, or have a lesser impact on the openness of the Green Belt (Rufforth Airfield or Rawcliffe Park and Ride). In addition, it is noted from the submission made as part of the 2018 Certificate of Lawful Use application (18/02599/CLU) that the site at Rufforth is described as the 'formal operational base and exterior parking of York Pullman Buses and the applicant, the same applicant as for this application, provided a sworn affidavit of his involvement in the Rufforth site and its use by York Pullman Bus Company.

4.44 In terms of the claimed fall-back position, the 2009 consent restricted use of the site to the storage of buses and coaches within the existing barn to which the application related (condition 3) and restricted buses and coaches along with any

parts or equipment being placed or stored on any other part of the site than within the barn (condition 4). Therefore, it is not considered that the fall-back position would have the same or greater impact on the openness of the Green Belt than the proposed development.

4.45 The test in Green Belt policy is whether there are other considerations that clearly outweigh the harm to the Green Belt from inappropriateness and any other harm. It is considered that the benefits of the proposal and the claimed fall-back position are not sufficient to pass this test and do not clearly outweigh the identified harm when attributing the necessary substantial weight.

5.0 CONCLUSION

5.1 The proposal seeks retrospective permission for the use of a former farm north of Pottery Lane as a bus depot with physical changes made to the site. The site is considered to fall within the general extent of York's Green Belt. The development would fall outside the listed exceptions in paragraphs 145 and 146 of the NPPF and as such constitutes inappropriate development in the Green Belt that is harmful by definition. Further harm to openness and purposes of the Green Belt have been identified. There is also an adverse impact on visual amenity as a result of the location of the depot and the related screening in an otherwise flat and open landscape. Other potential harm to highway safety and flood risk could be mitigated by condition. No harm to residential amenity is identified.

5.2 It is considered that there are no other considerations that would clearly outweigh the identified harm to Green Belt and any other harm. Therefore, very special circumstances do not exist to justify the proposal and, in accordance with paragraph 144 of the NPPF, the application should not be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1. The proposed development would constitute inappropriate development in the Green Belt that does not fall within the listed exceptions in paragraphs 145 and 146 of the National Planning Policy Framework (2018). There is the potential for further harm to the openness of the Green Belt and the purposes of including land within it and general visual amenity, due to the intrusion into the landscape of the bus depot and incongruous screening. The considerations put forward by the applicant are not considered to amount to the very special circumstances that are required to clearly outweigh the substantial definitional and other harm identified. The proposal is therefore considered to be contrary to paragraphs 143 - 146 of the National Planning Policy Framework.

7.0 INFORMATIVES:

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

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

- Further clarification sought from applicant about the business and its need for a Green Belt location in order to assess whether the proposal would appropriate in Green Belt policy terms;

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

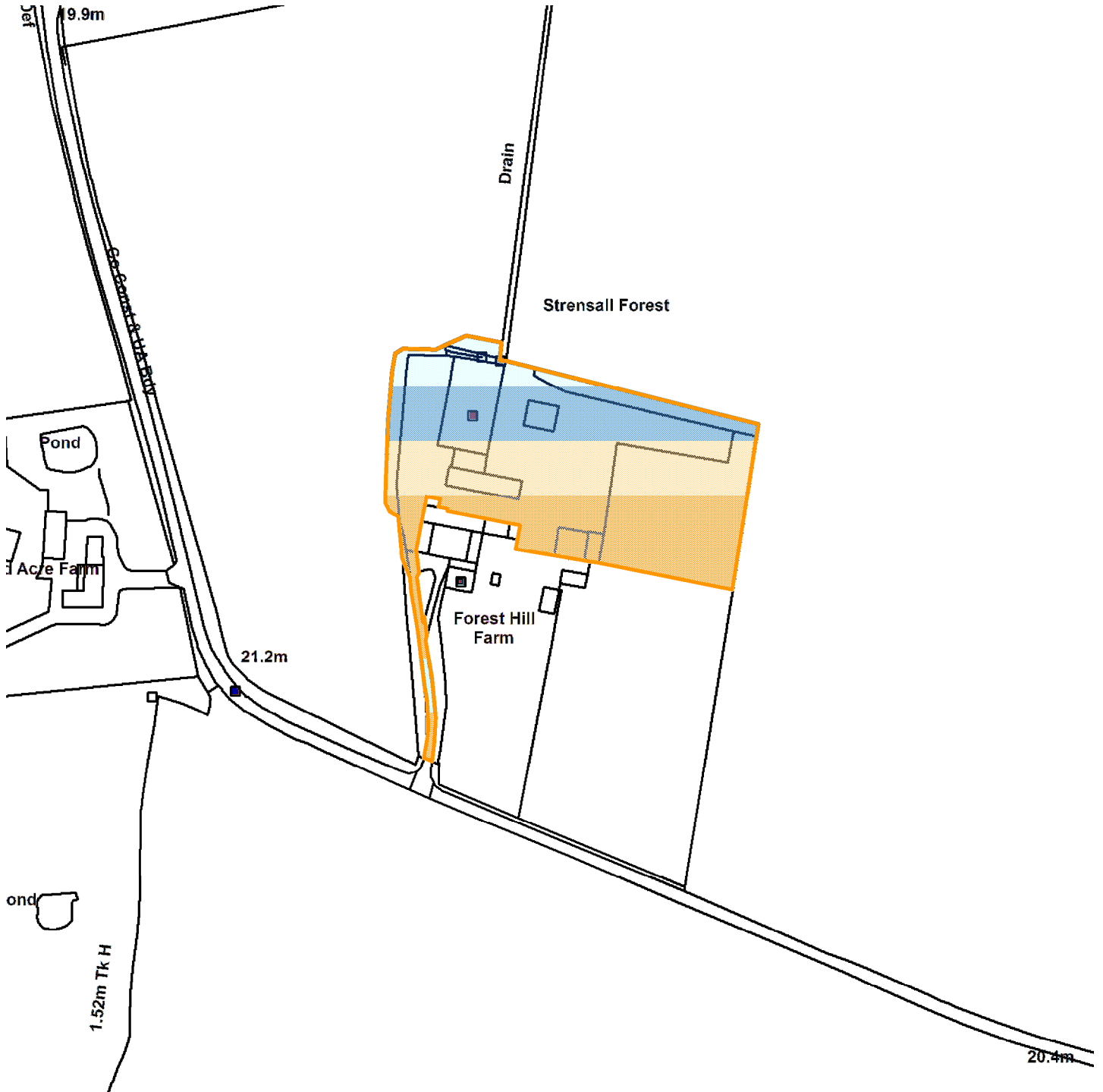
Contact details:

Author: Hannah Blackburn Development Management Officer

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Forest Hill Farm Pottery Lane Strensall



Scale : 1:2128

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	11 February 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 February 2019 **Ward:** Osbaldwick And Derwent
Team: Major and **Parish:** Murton Parish Council
Commercial Team

Reference: 18/02659/OUT
Application at: OS Field 5070 Hull Road Dunnington York
For: Outline application seeking approval for the layout and appearance of an energy storage facility with up to 25 battery storage units along with ancillary structures including switchgear, transformer, standby emergency generator and 2 no. containers enclosed with steel palisade fencing and screened with landscaping
By: Mr Dean Staverley
Application Type: Outline Application
Target Date: 26 February 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is in outline with approval sought for appearance and layout. The proposal is for an energy storage facility of 25 battery storage units housed within steel shipping containers along with ancillary structures including an emergency generator, storage containers, auxiliary transformer and switchgear unit. Each battery storage unit will measure approximately 14m by 2.4m and 2.5m in height. The site will be fenced with a landscape buffer. It is intended that the site will be in operation for 20 to 25 years after which it will be returned to its current state.

1.2 The facility would provide rapid-response electrical back-up to the National Grid by storing energy in times of over provision and releasing it at times of high usage. It would result in the creation of the equivalent of 2 full time jobs.

1.3 Details of access are reserved for future consideration and therefore have not been provided but it is understood that once the facility is installed only limited maintenance visits are anticipated amounting to one or two per week.

SITE AND SURROUNDINGS

1.4 The site is within the general extent of the Green Belt. There is an existing field access from the A1079 to the site which slopes down from the road. The site was most recently used as a Christmas tree plantation and now appears to be left to grass. There is a hedge along the frontage and to the West boundary. The other side of this hedge is an area of local interest for nature conservation and beyond

that a transformer station. To the East of the site a small group of properties front the highway.

2.0 POLICY CONTEXT

2.1 Policies:

Emerging Local Plan

DP2 Sustainable development

CC1 Renewable and low carbon energy generation and storage

GB1 Development in the Green Belt

D1 Placemaking

D2 Landscape and setting

D6 Archaeology

GI4 Trees and hedgerows

ENV5 Sustainable drainage

The City of York Draft Local Plan Incorporating the Fourth Set of Changes April 2005 (DCLP)

GP1 Design

GP9 Landscaping

NE1 Trees, woodlands and hedgerows

GB1 Development in the Green Belt

3.0 CONSULTATIONS

INTERNAL

Design, conservation and sustainable development (Archaeology)

3.1 There have been few archaeological interventions in the vicinity of the site and the site is likely to preserve evidence for a range of undesignated heritage assets dating to the late-prehistoric and Roman periods; and the agricultural and associated uses of the site in the medieval and post-medieval periods. The proposal is likely to require top soil stripping which will have a detrimental impact on any subsurface features remaining on the site. A condition is recommended to ensure archaeological work is undertaken during site stripping.

Design, conservation and sustainable development (Landscape)

3.2 Comments have been provided expressing concern about the visual impact of the proposal. The development will sit on the lower slopes of the York glacial moraine within a field which is part of the wider open countryside that envelops the city and provides York with a distinctive setting. The proposed development would reduce the clean boundary lines between the built edge and open countryside. Views of the development would be fleeting from passing vehicles but more

pronounced for pedestrians and cyclists particularly from Hull Road but also from Murton Way.

Highways network management

3.3 No objections subject to conditions. There is an existing access from Hull Road however details of access have been reserved.

Flood risk management

3.4 Objection in relation to position of development in relation to watercourse. More detail required regarding proposed permeable surfacing.

Public protection

3.5 The proposed energy storage is over 250m from the nearest residential properties and is unlikely to cause noise disturbance to residents. Conditions are recommended.

EXTERNAL

Foss Internal Drainage Board

3.6 Concerns rose in relation to the proximity of the development to a watercourse and the means of disposal of surface water from the site.

Murton Parish Council

3.7 Concerns raised about Green Belt location and impact on historic character and setting of York. Suitable landscaping and paint finish for the structures is requested. Request that the site is returned to its current state following expiry of temporary 20 year period.

Neighbour notification and publicity

3.8 One letter of objection has been received from a neighbouring resident. This raises concerns regarding:

Loss of rural outlook

Noise and disruption

Unsafe highway access

4.0 APPRAISAL

4.1 KEY ISSUES

- o Policy context
- o Principle of the development - Assessment of harm to Green Belt
- o Landscape and visual assessment
- o Very special circumstances

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relate to the general extent of the York Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

Emerging Local Plan

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

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

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

National Planning Policy Framework (2018)

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating

to the general extent of the York Green Belt that this proposal should principally be assessed.

GREEN BELT

4.6 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 133 to 141 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

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

The Green Belt serves 5 purposes:

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

4.8 The NPPF (paragraph 143) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.9 The NPPF para.145 states that the construction of new buildings within the Green Belt is inappropriate subject to a number of exceptions. These exceptions include buildings for agriculture and forestry; the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and allotments; extension or alteration of a building; replacement of a building; limited infilling of villages; limited affordable housing for local community needs; and redevelopment of previously developed land. The proposal is not considered to fall within any of these exceptions.

4.10 Para.146 of the NPPF details further forms of development which are also not inappropriate in the Green Belt providing they preserve openness and do not conflict with the purposes of including land within it. These include mineral extraction; engineering operations; local transport infrastructure; re-use of buildings; material changes of use of land; and development brought forward under a community right to build order. Likewise the proposal is not considered within any of these exceptions.

4.11 The proposed development is therefore inappropriate development in the Green Belt by definition and, in accordance with para.143 of the NPPF, can only be approved in very special circumstances.

Impact on openness

4.12 The proposal is for the siting of 25 storage containers along with ancillary generators and storage facilities with a landscaped buffer to two sides. The existing site is open agricultural land and slopes down from Hull Road to a drain along the hedge boundary at the bottom of the site. Clearly the proposal will have an impact on openness from the introduction of structures in an area currently free of any development. This harm to openness will be mitigated by the low level of the containers proposed. In addition the development will also be seen as an extension to the nearby transformer station which, although separated from the site by a field, is visible along with the pylons which lead to the transformer station.

Landscape and visual assessment

4.13 The site is within the settlement of Grimston which has been divided by the creation of the A64 and Grimston Bar roundabout. Some evidence of historic field boundaries can be seen and the hedge on the Western boundary forms part of this historic field boundary as well as providing a clear separation between the city and open countryside. As such the site will project further into urban countryside with the potential to extend the urban area further and reduce the current clear boundaries between urban and rural.

4.14 The site sits on the lower slopes of the York glacial moraine and is part of a wider panorama of fields stretching from Hull Road to Heworth and beyond. Due to the limited width of the site and its location tight to the boundary of the transformer station, views of the development from passing vehicles would be fleeting and limited. The development would be more pronounced to pedestrians and cyclists, in particular from Hull Road, and to a lesser degree from Murton Way. Views would also be possible from the A64 travelling South although should be limited because of the location of the containers on the lower, more level part of the site.

4.15 The proposal originally included an earth bund to provide screening to the North-east and South-east of the site. This has been removed as it was considered an anomalous landscape feature which would encroach further into the undeveloped field. An enhanced landscaped belt around the development is now proposed which should help screen the development in a more sensitive manner. Details of this will be conditioned.

4.16 It is intended that the development is not a permanent addition in the landscape but will be removed in approximately 20 – 25 years which is the

anticipated operating life of the energy storage modules. A condition is recommended to ensure that the land is returned to agricultural land at this point.

Other considerations

4.17 A condition is recommended to provide details of how the site will be connected to the neighbouring transformer station in particular the impact on the historic hedge on the West of the site.

4.18 Means of access is a reserved matter however there is an existing field access to the site off Hull Road. The level of traffic to the site is expected to minimal. Once the development is complete then there will only be a couple of maintenance visits a week. It is considered that the level of traffic proposed will not result in a significant impact on highway safety.

4.19 It is proposed to surface the site in a mix of grasscrete and local quarry waste aggregate which would be allowed to green over once construction was complete. There are concerns that, while initially permeable, this surfacing can become compacted over time and thereby impermeable. A condition is suggested that details of the surfacing are agreed.

4.20 There are a small group of residential dwellings clustered next to the field access on Hull Road. These are over 250m from the proposed site compound and approximately 150m from the nearest energy storage contained. These distances are considered sufficient to prevent significant loss of amenity to residents through noise disturbance. It is recognised that there may be some disruption during construction but this would be a short term situation and once construction was complete visits to the site will be minimal. The distances involved will reduce the impact on outlook and the properties do not appear to look directly toward the site but are angled away from it. The introduction of a landscaped buffer and appropriate colour finish to the containers will further help to reduce their visual impact.

Very special circumstances

4.21 The proposal has been identified as representing inappropriate development in the Green Belt by definition. Further harm has been identified as a result of the limited impact on openness of the development and harm to the landscape and visual character of the area. As such the development can only be approved in very special circumstances. The following very special circumstances have been put forward:

Locational need - The proposal is situated adjacent to Osbaldwick substation. Energy storage projects of this type and scale need to be sited in locations where an available connection into the National Grid exists which can accommodate both the import (for charging) and export of electricity at the level which can be provided by the proposed storage facility. A location next to the substation is required to reduce

the need for potentially visually intrusive connection infrastructure while maximising the electrical efficiency of the storage facility and its interaction with the grid. The site is considered the only viable location in York.

Innovation - The scheme represents an early deployment in the UK of a high-tech grid balancing facility which is already being utilised in the USA. Para. 8 of the NPPF refers to the three objectives of planning which support the achievement of sustainable development. The economic objective requires that planning helps to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. This proposal is considered to support the achievement of sustainable development by providing a new technology which has only recently been introduced to the UK.

Energy resilience - Following on from this previous point, the proposal will help to provide resilience to the UK's electrical grid helping to facilitate the move to low carbon renewable energies. The development will help to buffer the National Grid against variation in generation as renewable generators respond to varying amounts of sunlight and wind. The 50MW facility would supply enough power to meet the average electricity demands of 116,000 households for an hour, or 58,000 households for two hours etc. There are currently around 83,000 households in York according to the 2011 census, so the battery could supply all of these for over an hour. Para. 148 of the NPPF supports this and states 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.' Further support for the proposal is found in policy DP2 'Sustainable development' of the emerging Local Plan. This requires that sustainable design techniques are incorporated in new developments and that development maximises the generation and use of low carbon/ renewable energy resources. While it is recognised that the proposal is not a generator of renewable energy, it will help to maximise use by storing energy in times of high production. Policy CC1 'Renewable and low carbon energy generation and storage' supports proposals for low carbon energy storage and notes that they should be sited a suitable distance from major residential areas.

5.0 CONCLUSION

5.1 The proposed energy storage facility with ancillary compound and structures is considered inappropriate development in the Green Belt by definition. Further harm has been identified as a result of the limited impact on openness and the landscape and visual character of the area. Very special circumstances relating the locational need; innovative nature of the technology proposed; and the sustainability and

energy resilience benefits of the proposal have been put forward. Support has also been found in paragraph nos. 8 and 148 of the NPPF for the scheme as well as policies DP2 and CC1 of the emerging Local Plan.

5.2 It is considered that the very special circumstances are sufficient to clearly outweigh the harm through inappropriateness and identified further harm and the proposal is recommended for approval subject to relevant planning conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

As part of the reserved matters application the following details are to be submitted:

Access including details of proposed junction with the public highway and internal turning areas;

Landscaping including species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and maintenance regimes;

Scale of the proposed development.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

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

Location plan BG/NG/09/01C

Fence detail

Indicative storage unit

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

4 The use hereby approved shall cease within 25 years of the date of this permission and within 6 months of the final use of the energy storage batteries, the site shall be cleared and reinstated in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the openness of the Green Belt.

5 Prior to the commencement of development a programme of archaeological work (an archaeological strip map and record and subsequent programme of analysis and publication, if necessary) by an approved archaeological unit shall be submitted to and approved in writing by the Local Planning Authority. The agreed archaeological work shall be carried out prior to the commencement of top soil stripping and in accordance with the approved details.

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

6 LC4 Land contamination - unexpected contam

7 Prior to first use of the energy storage facility hereby approved a noise assessment should be undertaken to demonstrate that noise levels from the energy storage facility do not increase existing background noise levels at the nearest dwelling. The noise assessment shall be submitted and approved in writing by the Local Planning Authority. Any recommendations within the noise assessment shall be fully implemented prior to first operation and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity.

8 Prior to first use of the development hereby approved a management plan for the approved landscaping scheme for a 25 year period from the date of planting shall be submitted and approved in writing by the Local Planning Authority. The landscape scheme approved under the reserved matters shall be implemented within a period of six months of the completion of the development and shall be managed in accordance with the approved management plan for the duration of the development unless the Local Planning Authority agrees alternatives in writing.

Reason: As the landscape scheme is integral to the visual amenity of the development.

9 Prior to installation the structures, including battery containers, storage and utility containers, generators and transformers, and fencing shall be finished in a colour to be agreed in writing by the Local Planning Authority. The structures and fencing shall be retained and maintained in the agreed finish for the lifetime of the development.

Reason: In the interests of visual amenity.

10 Prior to commencement of the development, details of existing and proposed levels including existing and proposed cross-sections of the site, shall be submitted

and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

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

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

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

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

Reason: So as to achieve a visually cohesive appearance.

13 Prior to commencement of development, a detailed method statement for the construction of the underground connection to the transformer station to the West of the site will be submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved method statement.

Reason: To ensure that impacts on habitats of ecological value are minimised and appropriately mitigated.

14 Prior to the installation of any lighting within the site, a detailed lighting scheme including lighting levels at the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Any lighting shall be carried out in accordance with the approved details.

Reason: The plans do not currently show any lighting to serve the development and without details it is unclear whether the visual qualities of the area will be affected as a result of their levels, number and position.

**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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Requested revisions to remove bund.
Imposed appropriate planning conditions.

Contact details:

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

Tel No: 01904 555730

18/02659/OUT

Os Field 5070 Hull Road Dunnington



Scale : 1:3244

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	11 February 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 February 2019 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/01296/FULM
Application at: Infinity Motorcycles 46 Piccadilly York YO1 9NU
For: Erection of part 6/part 7-storey hotel (143 bedrooms) with
6-storey apartment block (8 apartments) following demolition
of existing buildings
By: Avantis Piccadilly Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 28 February 2019
Recommendation: Authority to Approve delegated to the Assistant Director

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 6/7 storey hotel (143 Bedrooms) fronting onto Piccadilly and a six storey block of 8 apartments (6 x 2 bed and 2 x 4 bed) to the rear of the site, facing the River Foss. Members will recall a hotel and apartment scheme (17/00429/FULM) for the site that was approved by Planning Committee in December 2017.

1.2 The design and scale of the Piccadilly frontage is similar to the approved scheme however the apartment building facing onto the River Foss has been set slightly further away from the river bank and is significantly altered in appearance and increased in height compared with the previous approved scheme. This application also differs in that it is designed as one building rather than the approved two separate buildings. The link which joins the hotel to the apartment block is three storeys, but there is no proposed access between the apartments and the hotel.

1.3 Revised plans have been submitted during the application process to address design, height and massing concerns. The land levels to the rear of the site have been lowered to allow an additional storey to the apartment block, the number of apartments remains the same.

1.4 The existing two-storey building on the site was recently used as a car park with a retail unit fronting Piccadilly. The building dates from the 1950s and is unlisted.

1.5 The site is within the Central Historic Core Conservation Area and within an Area of Archaeological Importance. The site is within Flood Zone 3 and is known to flood.

1.6 To the west of the site is the River Foss, with the Castle Museum, Crown Court, Clifford's Tower and the Castle Car Park beyond.

1.7 To the south of the application site is Ryedale House an 8 storey 1960s block which is currently undergoing conversion to residential use. To the north is 36- 44 Piccadilly, an application for the development of this site came before Planning Committee in September 2013 and was approved subject to a legal agreement. However the legal agreement was not signed and the application has now been finally disposed of. To the east of the site are the Spark York development and a four storey office block.

RELEVANT PLANNING HISTORY

- 17/00429/FULM - Erection of part 5/part 6 storey hotel (140 bedrooms) with ground floor restaurant and 5 storey building comprising 8 no. apartments (class C3) - Approved
- 11/00209/CLU - Use of part of the ground floor as a 63 space public long stay car park with operating hours from 7am to 7pm Monday to Saturday and 9am to 6pm on Sundays and charging on the basis of increments of 2, 4, 6 and 24 hours - Certificate granted

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Draft Local Plan 2005:

SP7B York City Centre and Central Shopping Area
GP1 Design
GP6 Contaminated land
GP15A Development and Flood Risk
NE8 Green Corridors
HE2 Development in historic locations
HE3 Conservation Areas
HE5 Demolition of Listed Buildings and Buildings in Conservation Areas
HE10 Archaeology
V3 Criteria for hotels and guest houses

2.3 Publication Draft Local Plan 2018:

SS3 York City Centre
SS5 Castle Gateway
D1 Placemaking
D4 Conservation Areas

D5 Listed Buildings

D6 Archaeology

D7 The Significance of Non-Designated Heritage Assets

G11 Green Infrastructure

CC2 Sustainable Design and Construction of New Development

ENV3 Land Contamination

ENV4 Flood Risk

ENV5 Sustainable Drainage

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 The changes shown to the street frontage are agreed in principle. This includes for the footway to be widened along the entire plot frontage and include space for essential operational vehicular activity such as deliveries and drop off / pick up. In addition it is anticipated that street trees or other landscaping and street furniture will form components of the street improvements.

3.2 The scheme can be secured by planning condition, although the scheme is likely to be subject to some modification through the detailed design when considered as part of the wider street scheme. This would not be expected to change the key parameters such as the footway widening but look at detailed aspects again as part of the fuller scheme. This could include a review of the overall space allocated for vehicular servicing, bus stops and the type/form of street trees.

3.3 Internal access from Piccadilly has been designed to meet the requirements of the operator and are considered appropriate and minimise the impact on the street scene. A nominal number of parking spaces for guests and also the apartment block are provided, this reflecting the central and sustainable location.

Design, Conservation And Sustainable Development (Design & Sustainability Manager)

3.4 The changes are an improvement on the submitted application and overall the objection to his element is removed. In design, the link is now clearly different and subservient to both the larger hotel and the apartment building. This helps maintain some sense of difference between these two principle components as requested. The link is substantially less high than before and will have minimal impact. Daylight penetration into the surrounding spaces will be less impacted on than the submitted application. In being smaller, it also contains fewer apartments and there is less impact on the privacy amenity of neighbouring Ryedale House.

3.5 The design of the apartments now more closely resembles the permitted scheme. Compositionally, agree with Historic England comments that in compressing an extra floor of residential accommodation into the scheme compared to the permitted scheme over almost the same height the composition has got busier and the proportions have changed. On balance there is no longer an objection to this element. Massing is now only very marginally increased. The Foss elevation is highly sensitive. Going forward, given this sensitivity: detailed drawings and full mock up built samples of a typical window bay (window, surround, and louvre window) and balcony bay should be submitted via condition. This is considered proportionate and similar to that recently provided on Stonebow House and conditioned on Hudson House.

3.6 The principle of a modest height to the Foss edge guarding is accepted. However, the design of this element should still be conditioned because the proposal is affected by the overall boundary landscape design proposal which is not yet agreed and so this should be part of the landscape condition.

3.7 If approved, a condition should be added to record the existing building prior to demolition (suggested Level 2 recording).

Design, Conservation And Sustainable Development (Ecology Officer)

3.8 This revised scheme pulls the apartment block back slightly from the River Foss edge and reduces the residential gardens to the side, it is also slightly higher than the previously approved scheme (ref. 17/00429/FULM) – these changes are not considered significant in terms of ecology.

3.9 There are no statutory nature conservation sites on or immediately adjacent to the site. Approximately 1.6km downstream of the site is Fulford Ings Site of Special Scientific Interest (SSSI). If standard best practice in relation to demolition, construction and working near water is used there should be no negative impacts on the SSSI. The River Ouse is a Site of Importance for Nature Conservation due to the presence of otter and migratory fish species. As before this should not be impacted on.

3.10 The River Foss is noted as a Site of Local Interest because of its wildlife interest and importance as a connecting green corridor. Otter are known to use the River Foss within the city centre. This European protected species was recorded in 2015 from approx. 360m upstream of the site. Kingfisher, a species protected under Schedule 1 of the Wildlife and Countryside Act, has been recorded from King's Pool upstream of the site.

3.11 A Phase 1 Habitat Survey and bat survey has been undertaken on the site. No sign of use by otter was found and there is no habitat for water vole; the river bank is constructed out of brick and steel pilings along this section. The majority of the building offers low risk bat habitat. A bat emergence survey was carried out on 18th

July 2016 using 3 surveyors. No bats were recorded emerging from the building and no further surveys recommended.

3.12 The building currently on site is single storey and the proposed residential building will be five storey. The development will result in additional shade, noise and artificial light in this area. A sensitive lighting scheme should be secured through a planning condition to limit excessive light spill over the River Foss. There is a missed opportunity to enhance the green corridor here by setting back the buildings and providing soft landscaping along the River Foss.

Design, Conservation And Sustainable Development (Archaeologist)

3.13 The application will result in reduction of levels across the site by up to 1m. This will not impact directly on the deeper, waterlogged well-preserved archaeological deposits. However, it will push certain elements relating to drainage and associated silt traps and other features into the very upper levels of these waterlogged deposits. Two out of a possible four groundwater monitoring points have been installed on the site. The proposed level reduction will remove these monitoring facilities. Request conditions for a programme of archaeological work; foundation design, deposit monitoring; excavation; replacement of groundwater monitoring points.

Flood Risk Management Team

3.14 Having assessed the revised Proposed Drainage Layout - Drawing Re: 10-4810 Revision D dated 29/01/2019 by Ward Cole and in conjunction with the levels shown on the Proposed Site Section – Terrace to River Wall Drawing Re: 05-02-01a (undated) by CSP Architects the Flood Risk Management Team has no objections to the development in principle but if planning permission is to be granted, the conditions should be attached in order to protect the local aquatic environment and Public Sewer network

Public Protection

3.15 Accept the conclusions of the noise assessment, some noise mitigation measures will be required in terms of glazing and ventilation for the rooms that face onto Piccadilly.

3.16 There will be permanent residents within the residential part of the development it is recommended that there are restrictions on delivery hours to ensure that noise from deliveries to the hotel does not cause disturbance to the future residents.

3.17 The noise report was conducted in 2017 therefore it would be advisable that some additional noise monitoring is conducted to verify that the noise levels of the existing ambient noise are still applicable.

3.18 Request conditions for details scheme of noise insulation; Details of all machinery, plant and equipment to be installed; restriction of the hours of delivery; Construction Environmental Management Plan to be submitted; hours of demolition and construction; adequate facilities for the treatment and extraction of cooking odours; vehicle recharging points .

Education Planning Officer

3.19 No contribution required

Forward Planning

3.20 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging Plan policies SS3, SS5, EC4, D1, D4 and D7 should be applied with moderate weight. No policy objection to this application.

Waste Services

3.21 No comments made on the revised proposals.

Emergency Planning Officer

3.22 No objections if development is implemented with the procedures in the flood evacuation plan

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Guildhall Planning Panel

3.23 Support the change of cladding materials and the revised waste arrangements. Request greater public access to the riverbank included in the strategic plan. The mentioned bridge route across the Foss is not consistent with our understanding. Would like to see, in lieu of the trees, some greenery suitable to the development included in the plan.

Police Architectural Liaison Officer

3.24 It is pleasing to note that the principles of crime prevention through environmental design have been taken into consideration in the revised site plan and design and access statement. Have no concerns to raise regarding the proposal.

Environment Agency

3.25 Consider that the proposed development will only meet the requirements of the

National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of the following planning condition being applied to any planning permission granted: To be constructed in accordance with FRA, void should have a void of 10.555mAOD and the floor levels shall be no lower than 11.03AOD.

3.26 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

3.27 In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

Historic England

3.28 Note that the present amendments only concern the residential part of the scheme. We understand that the hotel block remains unaltered and along with this, the visibility of St Denys' Church remains the same as in the consented scheme.

3.29 It is our understanding that the residential block as now proposed is no higher than the top of the balustrade of the residential block in the consented scheme. However, because there is an extra storey (five, instead of four storeys) the proportions have changed and the facade appears taller, more pattern-like and more wall-like due to the repetition of the relatively small-scale syncopated fenestration over the extra storey. We consider this block needs to be given a broader treatment so as to keep it as a distinct visual entity which avoids merging into a 'wall' of development with other adjacent proposed blocks, when viewed from Clifford's Tower and the Eye of York. We therefore strongly suggest that the fenestration design is given a broader, less fragmented and also less regular pattern by the grouping together of some of the windows and/or possibly by recessing the top storey and carrying the fenestration across it, thereby reducing this wall-like appearance.

3.30 Recommend that a condition is applied to any consent covering the photographic recording with associated plans and historical information of the existing building on the site. We suggest the record is lodged with the local Historic Environment Record and the National Monument Record in Swindon

Yorkshire Water

3.31 There are water mains located close to the site boundary within the footway of Piccadilly. Whilst they do not appear to be directly impacted by the development; it is

essential that they are protected during the demolition and construction phases of the development

3.32 Request 2 no. conditions: no demolition shall take place until the means of protection the water main has been submitted; the development shall be in accordance with the FRA

Conservation Areas Advisory Panel

3.33 The Panel felt that this was an unimaginative scheme for the site and that an opportunity for a good building had been lost

YORK CIVIC TRUST (To Originally Submitted Scheme)

3.34 Over-development and a consequence negative impact on historic sites and river/streetscape. The proposed riverfront apartments would be 1.5m taller and c.3m wider than those previously approved in application 17/00429/FULM. The proposal to connect the apartments and the hotel on Piccadilly would effectively be seven storeys high, and would significantly add to an apparent increased massing - in terms of height, width and density - when seen from important historic vistas and sites, notably the Scheduled Ancient Monument Castle complex, but also when approaching up and down the River Foss from Castlegate or the Coppergate Centre to the North or from the south and the soon-to-be improved public domain to the rear of the Castle Museum.

3.35 A likely negative contribution this proposal would have on the strategic implementation of the wider Castle Gateway Masterplan, and in particular the provision of a pedestrian / cycle bridge across the River Foss.

Publicity And Neighbour Notification

3.36 No representations have been received.

4.0 APPRAISAL

KEY ISSUES

- Principle of development
- Impact on heritage assets
- Impact on neighbouring uses
- Sustainable Transport
- Flood risk and drainage

PLANNING POLICY

National Planning Policy Framework

4.1 The NPPF was revised in July 2018. At its heart is a presumption in favour of sustainable development, however this presumption does not apply in circumstances where the application of policies within the framework that protect areas or assets of particular importance (e.g. designated heritage assets or land at risk of flooding) provides a clear reason for refusing the development .

Publication Draft York Local Plan (2018)

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

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

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

Draft Development Control Local Plan (2005)

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

PRINCIPLE OF DEVELOPMENT

4.4 Planning permission exists for the demolition of the current building on the site and its replacement with a hotel and apartment building. Hotels are a main town centre use. The proposals broadly accord with NPPF policy to promote the vitality of town and city centres. SS3 of the 2018 Publication Draft states that hotels and residential

uses are acceptable in principle in the city centre. The development is compatible with SS5 "Castle Gateway" by bringing forward new commercial development with an active ground floor frontage to Piccadilly. Draft 2005 Local Plan policy V3 allows for hotel development subject to its compatibility with its surroundings in terms of siting, scale and design; that it would not result in the loss of residential accommodation and is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions. The NPPF seeks to significantly boost the supply of homes.

IMPACT ON HERITAGE ASSETS

4.5 The site is within the Central Historic Core Conservation Area and it is within an Area of Archaeological Importance. It also forms part of the wider setting of Clifford's Tower and the Castle precinct. The Castle Museum: (The Female Prison, the debtors prison, curtain wall are all Grade I listed); as are the Crown Court and Railings and Clifford's Tower. York Castle is a scheduled ancient monument. The church of St Denys is also Grade I listed).

4.6 The Central Historic Core Conservation Area Appraisal (2013) sets out important considerations for the area which must be met by any new development. The Castle Piccadilly area includes buildings of exceptional historical and architectural quality of international importance. Regeneration could transform this part of the City by enhancing the unique setting of these buildings and securing their sustainable future. In particular, the character, setting and appearance of the Castle Precinct (the area of the Scheduled Ancient Monument including Clifford's Tower).

4.7 The CHCCAA sets out that the majority of the buildings along the bank of the River Foss are designated as detractors for a number of reasons. The application site however is not designated as a detractor. The Appraisal comments on the deteriorated quality of the buildings along Piccadilly and the location is particularly sensitive since it is directly opposite the Castle precinct. The Appraisal sets out the sensitivity of views to the Castle buildings and that building heights and layouts must respond to this. Breaking up blocks into a series of smaller elements and controlling building heights would help to achieve this.

4.8 The application site falls within a strategic panoramic view point from Clifford's Tower, Key View 16 (Central Historic Core Conservation Area Appraisal (2013)). The appraisal sets out that no new development should be permitted which would break the skyline of the historic core when viewed from this point. The views from Clifford's Tower provide an understanding of the 'topography' of the townscape. The appraisal sets out that there is a clear material division from this elevated vantage point: the everyday mass of the city is coloured in the reds and browns of brick and clay tile. From this 'choppy sea', as it has been described, rise the medieval buildings of Church and State. English Heritage has expressed the importance of the view from Clifford's Tower towards St Denys Church.

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

4.10 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the to the asset's conservation. The more important the asset the greater the weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and Publication Draft York Local Plan (2018) Policy D4, reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.11 The permitted application was considered to not to harm the character, appearance or setting of the York Castle Scheduled Ancient Monument, the character or appearance of the Conservation Area or the setting of adjacent listed buildings.

Conservation Area and Setting of Listed Buildings

4.12 The main facade of the proposed hotel would go up 4 storeys from the back of the pavement; the fifth storey would be set back from this frontage with the top storey recessed further and unlikely to be prominent in longer views along Piccadilly. The external finish for the hotel would be brick. The design is relatively simple in appearance. The windows will be recessed which will add an element of depth and visual interest to the elevations. As part of the highway works at least 2 trees would be planted to the front of the proposed hotel which would help create some visual break of the frontage.

4.13 The vehicle and pedestrian access to the rear of the site would be gated it is considered necessary to condition details of the gate to ensure that the views through the site are retained.

4.14 The main frontage of the apartments would face onto the river. Each flat would have an inset balcony with a glazed balustrade and the elevation would be a combination of cladding panels with the recessed bays and full storey height glazing with louvered screens and brick surrounds. To the north and south elevations

would be winged windows facing the river, brick is proposed to the side and rear elevations.

4.15 The proposed development would be taller than the existing and would have more presence in the street, river corridor, and the surrounding area. The current application broadly retains the scale and appearance of the previously approved hotel element of the scheme fronting Piccadilly and this part of the proposal would not harm the character or appearance of the conservation area or the setting of listed buildings.

4.16 The link connecting the two previously separate buildings has been amended through the course of the application and is subservient to both the Piccadilly and River Foss frontage elements. The loss of the spacing provided between the two buildings in the previously approved scheme is balanced by the fact that the elevations were previously largely blank, the views of the link would be limited from the public realm.

4.17 The apartment building element of the proposal faces the River Foss and the Castle precincts beyond. This elevation is highly sensitive. The design as amended more closely resembles the permitted scheme. The massing is now only very marginally increased and this margin of increase, is countered by the benefit of the set back from the edge of the River Foss. The proposed roof top terrace has been removed from the scheme. In compressing an extra floor of residential accommodation into the scheme compared to the permitted scheme over almost the same height the composition has got busier and the proportions have changed. The concerns of Historic England in this respect have been taken into account, however it is considered that the proposed apartment building would not harm the setting of listed buildings or character and appearance of the conservation area. The view and relationship between Clifford's Tower and St Denys Church has been retained by the revised designs of the proposed development and whilst altered from what exists at present is not materially harmed.

4.18 Taken as a whole and on its own merits the development proposals would not harm the character and appearance of the conservation area or the setting of listed buildings.

Archaeology

4.20 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. Anoxic waterlogged deposits are preserved on this site and that they are in "relatively good" condition and of high value. The development proposal will cause harm and result in loss of deposits on this site caused by the piled foundations. This loss will be no greater than 5% of the deposits, in accordance with Policy HE10. The proposal will also reduce levels across the site by up to 1m. This will not impact directly on the deeper, waterlogged well-preserved archaeological deposits. However, it will push certain elements relating to drainage and associated

silt traps and other features into the very upper levels of these waterlogged deposits. Any harm is considered to be less than substantial, outweighed by the economic and social benefits of the development in terms of the provision of new housing, the provision of regeneration in the area with employment and tourism benefits, and can be mitigated by conditions.

Non-Designated Heritage Assets

4.21 The existing building on the site was considered, but not recommended, for statutory listing. The former Unwins Ford motor-car showroom and garage was built 1955-57 and has a Modernist-style frontage and barrel-vault concrete-shell garage roof. It was designed in partnership between prominent London-based architects Wallis, Gilbert and Partners (WGP) and Ford. The city-centre location is unusual for the time of its development but is principally of local rather than national interest, providing evidence of the development of York's motor-car industry. In its appraisal Historic England considered that, whilst, did not meet the very high architectural and structural interest required for a motor-car building of this date. Para 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.22 The building has no statutory protection other than the requirement for planning permission to be sought for its demolition in the conservation area. Permission already exists for the demolition of the building, it is considered that new evidence of the building's local importance does not outweigh the social, economic and regeneration benefits brought forward by its re-development.

IMPACT ON NEIGHBOURING USES

4.23 Ryedale House to the south is undergoing conversion to residential use and residential uses are proposed as part of the application proposal. It is considered that subject to conditions to ensure environmental standards the two uses are compatible in this city centre location.

4.24 The windows in the side elevations of the apartment block are designed to mitigate against overlooking and side facing hotel windows are set away from the site boundaries.

4.25 The NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The submitted noise assessment show that internal noise levels in the proposed apartments would comply with the appropriate British Standard. Conditions are proposed to ensure that building envelope is constructed to achieve a maximum internal noise level.

4.26 No details are been provided of the plant or equipment, such as air conditioning units, kitchen extraction units etc, that will be provided within the proposed development. No external flues are shown on the plans, and external flue would require separate planning permission. Details of any machinery audible outside of the premises can be sought by condition together with mitigation measures

FLOOD RISK

4.27 Policy ENV4 of the draft Local Plan (2018) is in accordance with Paragraph 163 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- and development is appropriately flood resilient and resistant;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed;
- and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Sequential Test

4.28 The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). Planning permission exists for a hotel and residential re-development of this site. When applying the Sequential Test to the previous scheme the city centre was used as the site search area reflecting the requirements of national and local planning policy to direct new leisure including hotel developments to town centres and then edge of centre locations built up urban areas. Eight alternative sites were identified, none met the criteria for being reasonably available in terms of either size, suitability for the development proposed, deliverability and developability.

4.29 The proposal as a whole would result in an increase in the vulnerability classification from 'Less Vulnerable' to 'More Vulnerable'. In this case the site has historically been developed; the existing building covers the majority of the site. The area is identified for regeneration in the draft Local Plan 2017 and the emerging Castle Gateway Masterplan. The site is in a prominent city centre location, being viewed in its riverside setting, and along a main route through the city

centre. The hotel would provide additional accommodation and has the potential to bring additional number of tourists to the city. There would be additional spend from the tourists and would also provide a number of people living/working in the city and revenue that it would bring to the city centre. In addition the proposed flats would bring homes which the city needs. In light of the existing planning permission, the lack of suitable alternative sites previously identified and wider sustainable development objectives it is considered the sequential test is passed.

Exception Test

4.30 For the Exception Test to be passed: it must be demonstrated that a) the development provides wider sustainability benefits to the community that outweigh flood risk; and b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. (para 160 of the NPPF)

4.31 The regeneration of this area is a long term aim of the Council, the redevelopment of this site for a hotel and apartments would provide additional accommodation and has the potential to bring additional number of tourists to the city. There would be additional spend from the tourists and would also provide a number of people living/working in the city and the spend that it would bring to the city centre. In addition it would provide much needed housing and does not have an undue impact on residential amenity and highway safety. For these reasons this would amount to a wider sustainability benefit.

4.32 The proposed development is not considered to increase flood risk elsewhere. The proposed development has compensatory flood storage within a void underneath the proposed hotel building.

4.33 The site lies within Flood Zone 3. Flood risk is from the River Foss to the west and the River Ouse further west. There would be no sleeping accommodation on the ground floor of the hotel. The flats would have no residential accommodation on the ground floor, the ground floor would be used for vehicle parking and storage. No additional flood resilient measures above the proposed ground floor level are proposed. The Flood Risk Management Team and the Environment Agency are satisfied that the proposed floor levels are appropriate in this location.

4.34 Safe access and egress cannot be provided during a design flood however the site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, and although the Barrier was overwhelmed in December 2015 the storms experienced on this occasion were significantly in excess of the standard of protection of the barrier and record flows were experienced on the River Foss. The likelihood of this occurring again is low given the recent works by the Environment Agency to improve the resilience of the Foss Barrier, the barrier is currently able to

manage the scenarios experienced in 2015 and further resilience will be in place when the project completes.

4.35 An effective evacuation plan is appropriate in this location due to the low residual flood risks, the presence of formal flood defence infrastructure and a mature flood warning service. If other means were deployed to provide temporary emergency egress from the site it is likely that the site could be evacuated safely following the receipt of a flood warning.

4.36 Whilst the site is clearly in Flood Zone 3 the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and it is considered that the applicant has addressed this in their approach.

4.37 The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. In view of the above it is considered that the proposed development passes the exception test. There is adequate evidence that the sequential and exception tests can be passed. The measures within the FRA would be secured through a planning condition, as recommended by the Environment Agency

SUSTAINABLE TRANSPORT

4.38 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.39 The site is close to city centre bus stops and is within walking distance of many city centre attractions and facilities. Policy SS3 of the Publication Draft Local Plan (2018) seeks the upgrading of key streets in the city centre, policy SS5 seeks the reduction of the Piccadilly carriageway and improvements to the size and quality of the pedestrian footway provided through developer contributions. The proposed redevelopment of this site and adjacent sites will increase the footfall along Piccadilly and a proportionate improvement to the highway along the site frontage is proposed. The improvements consist of a reduction in the carriageway width of Piccadilly to 6-7m with the footway on the development site side being widened. A servicing/drop off bay will be provided within this widened footway area. The bay would be at grade and appear to be a wide footway with a reinforced area subtly demarcated for servicing when required. The works would be carried out to the cost of the applicant through Agreement under S278 of the Highways Act 1980. As other development sites along this section of Piccadilly come forward the public realm improvements will be extended.

4.40 Cycle parking is provided for hotel guests and staff and for each of the apartments. The detail is secured through planning condition. Twelve car parking spaces are proposed, including one disabled parking bay. The provision of electric vehicle charging points is in line with the NPPF and the Council's low emission strategy. Whilst none appear to be shown on the submitted drawings it is considered reasonable to require such provision via condition.

4.41 The Publication Draft Local Plan (2018) shows an indicative location for a pedestrian cycle bridge across the Foss at the southern edge of the application site. Policy SS5 encourages new public access along one or both sides of the River Foss with new or improved connections linking to the wider pedestrian and cycle network. The emerging proposals for the Castle Gateway envisage a bridge crossing the river between the former Castle Mills car park site and the rear of the Castle Museum. Notwithstanding the evolving proposals for a bridge further downstream, the current proposals do not materially alter the layout approved for the previous scheme on the site, when it was concluded that the construction of a bridge would remain technically feasible.

4.42 As with the previously approved scheme, while the apartment building is set-back from the river edge it would not accommodate a walkway, which in any event would be prevented by other developments further along the river. Evolving proposals for the Castle Gateway area envisage the footpath cycleway along the opposite bank.

ECOLOGY

4.43 The application site lies within the Foss Corridor which is of regional importance. The River Foss is noted as a Site of Local Interest because of its wildlife interest and importance as a connecting green corridor. A Phase 1 Habitat Survey and bat survey has been undertaken on the site and no bat roosts were found. No sign of use by otter was found and there is no habitat for water vole. The majority of the building offers low risk bat habitat. Whilst setting back the riverside building away from the river edge would enhance the green corridor it is considered that the character of the conservation area is maintained by providing the development closer to the water's edge. The development would not harm ecology.

5.0 CONCLUSION

5.1 The application site is within an area proposed for redevelopment and regeneration outlined in the 2005 and emerging draft Local Plans. The site is in a sustainable location and brings forward regeneration benefits to the local area. The site is within Flood Zone 3 would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential and exception tests (as set out

above) and is acceptable when considered against national planning policy on flood risk, the sequential and exceptions tests are passed.

5.2 The development would not harm the character and appearance of the conservation area or the setting of nearby listed buildings and the scheduled ancient monument and accords with planning law and national and local policy in this regard. The loss of the existing building affects a non-designated heritage asset, however planning permission exists for its demolition as part of the previously approved application and the regeneration benefits are considered to outweigh any harm. Impacts on archaeology are acceptable and can be mitigated by planning condition.

5.3 The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

6.0 RECOMMENDATION: Authority to **Approve** to be delegated to the Assistant Director including authority to amend the recommended planning conditions:

1 TIME2 Development start within three years

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

Drawing number 05-01-01d 'Location Plan' received 31 January 2019;

Drawing Number 05-01-05b 'Proposed Site Plan (revised)' received 29.01.2019;

Drawing Number 05-02-01a 'Proposed Section - Terrace to River Wall' received 29.01.2019;

Drawing Number 05-04-16b 'Comparison Sections to AOD' received 31 January 2019;

Drawing Number 05-05-05e 'Riverside Railing' received 29 January 2019;

Drawing Number 05-11-09b 'Level -1 (Revised)' received 29 January 2019;

Drawing Number 05-11-10b 'Level 0 (Revised)' received 29 January 2019;

Drawing Number 05-11-11a 'Level 1 (Revised)' received 08 November 2018;

Drawing Number 05-11-12a 'Level 2 (Revised)' received 08 November 2018;

Drawing Number 05-11-13a 'Level 3 (Revised)' received 08 November 2018;

Drawing Number 05-11-14a 'Level 4 (Revised)' received 08 November 2018;

Drawing Number 05-11-15a 'Level 5 (Revised)' received 08 November 2018;

Drawing Number 05-11-16a 'Roof (Revised)' received 08 November 2018;

Drawing Number 05-13-01b 'East Elevation (to Piccadilly)' received 13 June 2018;

Drawing Number 05-13-08f 'West elevation (to River Foss) (revised)' received 29 January 2019;

Drawing Number 05-13-09a 'South Elevation (revised)' received 08 November 2018;

Drawing Number 05-13-10a 'North Elevation (revised)' received 08 November 2018;

Drawing Number 05-13-11a 'East elevation/Section (revised)' received 08 November 2018;

Drawing Number 05-13-12d 'Comparison with Approved Elevations;' received 03 January 2019;

Drawing Number 05-13-13b 'North Elevation/Section (revised)' received 16 November 2018;

Drawing Number 05-13-14b 'West Elevation/Section (revised)' received 16 November 2018;

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used (including details of the balustrades, external steps ramp, windows, louvres etc) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the hotel and apartments. The development shall be carried out using the approved materials.

Full mock up built samples of a typical window bay (window, surround, and louvre window) and balcony bay of the apartment block shall be provided and approved in writing by the Local Planning Authority prior to the commencement of the construction of the hotel and apartments. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument.

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

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

5 Wet, organic archaeological deposits survive on this site which merit preservation in-situ. An archaeological programme of hydrological and water quality monitoring is required on this site to assess continued in-situ preservation. The archaeological programme shall comprises 4 stages of work. Each of the following

stages shall be completed and submitted to and approved in writing by the Local Planning Authority.

(i) No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall set out how appropriate hydrological and water quality monitoring will be introduced on the site and how it shall be assessed and reported at suitable intervals. The WSI shall conform to standards set by the Chartered Institute for Archaeologists.

(ii) Installation of hydrological and water quality monitoring devices shall be completed in accordance with the programme set out in the WSI approved under part (i) of this condition.

iii) The evidence of provision for monitoring of and analysis and reporting on data from the hydrological and water quality monitoring devices for a period of 5 years, shall be submitted to and approved in writing by the Local Planning Authority.

(iv) A copy of a report on the archaeological programme detailed in the WSI will be deposited with City of York Historic Environment Record within six months of the completion of the monitoring period or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant undesignated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The effect on these deposits must be monitored. This condition is in accordance with Section 16 of NPPF and the latest guidance from Historic England on in-situ preservation of organic deposits and subsequent monitoring.

6 No development shall take place until the applicant has submitted a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, to, and secured the approved in writing of, the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

7 Any deposits identified during the archaeological watching brief that will be disturbed by ground works or disturbances below the level of 8mAOD (except for disturbance caused by the boring or auguring of piles for the building foundation and except for disturbance caused by any other operations which have been agreed in writing by the Local Planning Authority in advance of such other operations being carried out) will be recorded through a programme of archaeological work (an archaeological excavation and subsequent programme of analysis, publication and archive deposition by an approved archaeological unit) in accordance with a WSI for

this programme approved by the Local Planning Authority.

Reason: this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum

8 Prior to the first use of both the buildings as a hotel and apartments a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs of the landscaping to the River Foss/South West elevation and the trees to the front of the hotel/Piccadilly elevation shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site. The River Foss/South West elevation is prominent within the Central Historic Core Conservation Area and in key views from Cliffords Tower (ancient Scheduled monument), therefore details are required to ensure the planting is visually acceptable. Trees are required to provide a visual break of the proposed hotel building.

9 The development shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment by Ward and Cole Consultants (Job reference 10/4810 Revision F dated April 2018) received 25 January 2019.

- Provision of the void as described within the FRA with a soffit of 10.555mAOD (ground levels to remain as existing) which will allow the free ingress and egress of flood flows. A maintenance plan and regime is to be put in place to ensure that the full volume of the void remains available for the lifetime of the development.
- Finished floor levels are set no lower than 11.03m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation.

10 The hotel building shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Draft Local Plan 2018 and the City of York Development Control Local plan (2005) and Part 14 of the NPPF.

11 Large scale details of the items listed below (including large scale part head and sill sections & elevation bay details including dimensions) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments. The works shall be carried out in accordance with the approved details.

- (i) Hotel single punch hole windows and hotel multi storey punch hole windows to particularly show deep window reveals.
- (ii) Hotel typical interface at ground level and roof level and roof terrace level to show plinth and parapet details.
- (iii) Hotel main entrance area from the Piccadilly.
- (iv) Hotel projecting multi-storey oriel window facing River Foss
- (v) Residential car port including columns and soffit treatment
- (vi) Residential single punch hole windows to particularly show deep window reveals.
- (vii) Residential typical interface at ground level and roof level and roof terrace level to show plinth and parapet details.
- (viii) Residential complex facade, facing the River Foss including any balconies and louvre walls, solid wall & glazed infill panels. Also including covered colonnade to Foss.

Reason: The success of the design is significantly dependant on detailing and built quality so these are needed to avoid the proposed design intent from being watered down in execution. Some of the plans lack clarity so additional details are required so that the Local Planning Authority may be satisfied with these details and the appearance of the development. In the interests of the character and appearance of the conservation area. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

12 Following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments a detailed scheme of noise insulation measures for protecting the approved residential and hotel rooms from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of

the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut and other means of ventilation provided.

REASON: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

13 Details of all machinery, plant and equipment to be installed in or located on the premises, which are audible outside of the premises, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 46dB(A) L90 1 hour during the hours of 07:00 to 23:00 or 38dB(A) L90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

14 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

situation, including the location of positions, recording of results and identification of mitigation measures required.

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

For dust details should be provided on measures the developer will use to minimise dust blow off from site. Such measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the of the area and the occupants of the nearby buildings. The information is sought prior to commencement to ensure that the CEMP is initiated at an appropriate point in the development procedure.

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

16 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to and approved in writing by the Local Planning Authority. Once approved it shall be installed and fully operational before the prior to the first use of the hotel and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

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

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

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

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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

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

20 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be submitted to the writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

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

21 A three pin 13 amp external electrical socket shall be provided for each of the four car parking bays for the approved residential units. The sockets shall be located in a suitable position to enable the charging of an electric vehicle on each of the car parking bays using a 3m length cable.

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

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

22 Following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

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

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

24 Following the demolition of the car park building but prior to the start of the
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commencement of the construction of the hotel and apartments details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours. The submitted plans lack detail of the cycle parking provision, further details are required to ensure adequate cycle parking is provided.

25 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety

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

(i) Narrowing of Piccadilly carriageway to 6m, widening of footway along site frontage and provision of servicing bay within the widened footway as shown on drawing 05-11-09b (received 29 January 2019).

Reason: In the interests of the safe and free passage of highway users and to secure regeneration improvements to Piccadilly proportionate to the development proposed in accordance with policy SS5.

27 Following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments details of what measures are to be provided within the design of the new buildings to accommodate bats shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 15 of the NPPF. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

28 Prior to the first use of the hotel and apartments details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument. Night time illumination may potentially impact on the night time ambience of the conservation area. To ensure that the proposed development is not unduly prominent within conservation area and wider views of the city. On ecology grounds - to limit excessive light spill over the River Foss

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

Monday to Saturday 07:00 to 18:00

Sundays and Bank Holidays 09:00 to 17:00

Reason: To protect the amenity of local residents and businesses

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

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties. To ensure the boundary treatment is appropriate to the area. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure. The details of the railings to the river elevation are not considered to be acceptable.

31 Notwithstanding the submitted plans, following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments the details of the openings/apertures to the compensatory flood storage area shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with these approved details.

Reason: In the interest of visual amenity. The apertures to the compensatory flood storage area are not well integrated into the design to minimise their visual impact. The number of openings could be reduced particularly on the front elevation without impacting on the viability/usability of the flood storage. The information is sought prior

to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

32 Prior to the first use of the hotel and apartments details of the pedestrian and vehicle gate shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be constructed in accordance with these approved details.

Reason: as to achieve a visually cohesive appearance. To ensure that the gate is not a solid barrier and allows views into and through the site

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

Reason: In the interest of satisfactory and sustainable drainage.

34 Following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 11.75 (eleven point seven five) litres per second for each of the two outfalls,
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved for each of the two attenuation tanks, and
- iii) the future management and maintenance of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

35 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.

36 No demolition shall commence until the means of protecting the water mains
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that are located adjacent to the site boundary have been implemented in full accordance with measures that have previously been submitted to and approved by the Local Planning Authority. The details shall be relevant to the demolition and construction phases of the development .

Reason: To protect public health and the public water supply. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

7.0 INFORMATIVES:

Notes to Applicant

1. DRAINAGE INFORMATIVE

i) The applicant should be advised that the Environment Agency's prior consent (outside the planning process) is required for any development/construction within 8.00m of the bank top of any Main River within or forming the boundary of the site.

ii) The applicant should be advised that the Foss Navigation Authority's prior consent (outside the planning process) is required for any development/construction to include outfalls and surface water discharge within the River Foss channel. The Foss Navigation Authority is the City of York Council Flood Risk Management Team.

2. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

3. INFORMATIVE - NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any

wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

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

There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx

4. INFORMATIVE:

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

Section 278 - highwaysdc@york.gov.uk

5. INFORMATIVE:

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

Contact details: Victoria Bell Development Management Officer

Tel No: 01904 551347

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Infinity Motorcycles 46 Piccadilly



Scale : 1:1246

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	11 February 2019
SLA Number	Not Set

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