



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

**To:** Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Fitzpatrick, Hollyer, Kilbane, Perrett, Warters and Widdowson

**Date:** Thursday, 13 June 2019

**Time:** 5.00 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

**Tuesday 11 June 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. Minutes (Pages 5 - 44)**

To approve and sign the minutes of the meetings of the Planning Committee held on 25 March 2019 and 18 April 2019.

**3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by

5:00pm on Wednesday 12 June 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.

### **Filming or Recording Meetings**

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

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

## **4. Plans List**

This item invites Members to determine the following planning applications:

- a) **Vale Engineering (York) Limited, Rufforth Approach Farm, Wetherby Road, Rufforth, York [19/00482/FUL]** (Pages 45 - 58)  
Erection of light industrial building (use class B1) [Rural West York Ward] [Site Visit]
- b) **Pilcher Homes Tower House, Askham Fields Lane, Askham Bryan, York [19/00454/FUL]** (Pages 59 - 72)  
Erection of one building to form additional office space (Use Class B1) [Rural West York Ward] [Site Visit]
- c) **Land lying to the South of Elvington Airfield Network, Elvington, York [18/02839/FULM]** (Pages 73 - 100)  
Erection of two storey industrial building (mixed use class B1, B2, B8) with access and associated parking [Wheldrake Ward] [Site Visit]

## 5. Appeals Performance and Decision Summaries (Pages 101 - 130)

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2019, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

## 6. Urgent Business

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

### Democracy Officer

Angela Bielby

Contact details:

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

For more information about any of the following please contact the Democratic Services 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

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**Abbreviations commonly used in Planning Reports**

(in alphabetical order)

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

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

**PLANNING COMMITTEE SITE VISITS**

**Tuesday 11 June 2019**

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

<b>TIME (Approx)</b>	<b>SITE</b>	
10.20	Vale Engineering (York) Limited, Rufforth Approach Farm, Wetherby Road, Rufforth, YO23 3QF	4a
10.50	Tower House, Askham Fields Lane, Askham Bryan YO23 3NU	4b
11.15	Land Lying To The South Of Elvington Airfield Network, Elvington, York, YO41 4AU	4c

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	25 March 2019
Present	Councillors Reid (Chair), Ayre, Brooks, Carr, Crawshaw (Substitute for Cllr K Taylor ), Cullwick, Cuthbertson, D'Agorne, Dew (Substitute for Cllr Doughty), Funnell, Galvin, Looker and Warters
Apologies	Councillors Boyce, Doughty, Shepherd and K Taylor

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**69. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in respect of business on the agenda. No interests were declared.

**70. Minutes**

Resolved: That the minutes of the meetings held on 24 January 2019 and 21 February 2019 be approved and then signed by the Chair as a correct record.

**71. Public Participation**

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

**72. Plans List**

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

### 73. York Central

Members considered a Major Full Application Environmental Statement (16 weeks) from Network Rail and Infrastructure Limited And Homes England for an outline planning application with all matters reserved for the redevelopment of York Central, Leeman Road, to provide a mixed-use development of up to 379,729 m<sup>2</sup> of floorspace Gross External Area (GEA) primarily comprising up to 2,500 homes (Class C3), between 70,000 m<sup>2</sup> and 87,693 m<sup>2</sup> of office use (Class B1a), up to 11,991 m<sup>2</sup> GEA of retail and leisure uses (Classes A1-A5 or D2), a hotel with up to 400 bedrooms (Class C1), up to 12,120 m<sup>2</sup> GEA of non-residential institutions (Class D1) for expansion of the National Railway Museum, multi-storey car parks and provision of community uses all with associated works including new open space, ancillary car parking, demolition of and alterations to existing buildings and associated vehicular, rail, cycle and pedestrian access improvements.

Officers provided an update, clarifying or correcting the following points in the report:

- Para.16.90 - reference to the *s.106 agreement* should be to *s.38 of the Highways Act*.
- Flood risk and Drainage - the EA had now removed its objection, after submission of a revised WFD assessment.
- Habitat Regulations - Natural England had confirmed there was no requirement for an assessment.
- National Planning Policy (para.11) - officers were satisfied that there were no material considerations altering the presumption in favour of sustainable development.
- Public open space – description of the path in paras. 23.11 & 28.6 should read: *a path approximately 750m in length from Water End alongside and parallel to the south bank of the river Ouse and in the direction of Scarborough Bridge on land owned by CYC.*

Officers also proposed amendments to the recommended Conditions nos. 41, 74, 77, 79, 45 and 52, and presented three further representations received; one in support of the application and two in objection.

The following speakers made comments in support of or in objection to the application, as indicated, with reference to the topics set out in the headings below:

### Strategic benefits and regeneration

Cllr Gillies, Executive Leader and Member for Rural West York ward, spoke in support of the application.

Dr David Fraser, Chief Executive of York Civic Trust, spoke in objection.

David Kerfoot MBE, Chair of the York, North Yorkshire & East Riding LEP, spoke in support.

Roger Pierce spoke in objection.

Kate Ravilious, of York Central Action, spoke in objection.

### Employment and Economic Growth

Andrew Sharpe, of Make it York, spoke in support of the application.

Stephen Hind, of Network Rail, spoke in support.

Judith McNicol, of the National Railway Museum, spoke in support.

### Housing Provision

Richard Clarke spoke in objection to the application.

Nick Bosanquet spoke in objection.

Marie Kiddell, of Homes England, spoke in support.

### Highways and Sustainable Transport

Prof. Tony May, of the York Civic Trust Transport Advisory Group, spoke in objection to the application.

Dave Merrett, of York Environmental Forum, spoke in objection.

Graham Collett, of York Bus Forum, spoke in objection.

Peter Sheaf, of York Cycle Campaign, spoke in objection.

Andrew Dickinson spoke in objection.

Alastair Gordon spoke in objection.

Richard Bickers, of Arup, spoke in support.

Niall Bourke, of Arup, spoke in support.

### Urban Design and Heritage

Andrew Stephenson spoke in objection to the application.

Philip Crowe, of York Environment Forum and Tremendous York, spoke in objection.

Jason Syrett, of A & M, spoke in support.

Tom Pearson, of Arup, spoke in support.

### Environmental Protection

Caroline Lewis, of Clean Air York, spoke in objection to the application.

Kerry Whalley, of Arup, spoke in support.

### Sustainability

Chris Jones, of Avison Young, spoke in support of the application.

Cllr Kramm, member for Micklegate ward, spoke in objection.

### The Planning Balance

Ian Anderson spoke in objection to the application.

Cllr K Taylor, Member for Holgate ward, spoke in objection.

Kate Thompson, of Leeds City Region Enterprise Partnership, spoke in support.

Craig Alsbury, of Avison Young, spoke in support.

In response to questions from Members, speakers objecting to the application stated that:

- There was a need to construct a sustainable development that did not rely on one-off funding;
- Deferral would enable a better outline application to be prepared;
- The application lacked detail in respect of schools, GP surgeries and affordable housing;
- A detailed economic strategy was required to demonstrate the economic impact of York Central;
- The traffic modelling was confused; what was needed were high quality public transport links and cycling / pedestrian access to the site;
- Providing a bus lane on Leeman Road would alleviate traffic congestion.

and speakers supporting the application stated that:

- To defer the application would risk loss of HIF funding and put elements of the scheme at risk;
- York Central would provide a substantial number of jobs and deliver 100,000 square metres of office space;
- The proposed arrangements for car parking would occupy less space on the site than the existing managed car park;
- Car parking requirements had been benchmarked against other sites in northern England;

- Reducing traffic lanes to prioritise cyclists through Marble Arch would result in a 60-100 queue of vehicles during peak hours, at a conservative estimate;
- Routing buses along Leeman Rd. would displace traffic and create congestion in other areas;
- Traffic modelling was based on estimates for 2033 and not for the construction phase in 2021;
- Monitoring had indicated that air quality standards were acceptable;
- York Central would deliver 2,500 homes, in accordance with the Local Plan;
- Housing density was appropriate for the location, as a brownfield site.
- A 3-month delay would be unlikely to result in any meaningful changes to the proposed scheme.

In response to further questions from Members, officers confirmed that:

- York Central was included in the overall Economic Strategy for York currently being prepared by the council;
- The development was an opportunity to provide quality office space, with a balance between office and community space;
- A robust position had been taken to traffic modelling, and mechanisms were in place to manage, monitor and address traffic impacts;
- Officers were confident that a segregated pedestrian / cycling route could be achieved along the front of the P.O. sorting office;
- Provision of healthcare facilities was addressed in Condition 35, off-site open space in Condition 6 and drainage/flood risk in the revised Conditions 74, 77 and 79; there was also a proposal for a linear park.

After Members had debated the proposals, Cllr Warters moved, and Cllr Looker seconded, that consideration of the application be deferred for a period of 6 months. On being put to the vote, this motion was declared LOST, with 5 Members voting for the motion and 8 voting against it. At this point, Cllr Warters left the meeting.

Cllr Carr then moved, and Cllr Galvin seconded, that the officer recommendations at paragraph 31 of the report be approved, subject to the amendments to conditions reported by officers at

the meeting and the addition of further conditions in respect of community space and landscaping. On being put to the vote, this motion was declared CARRIED by 9 votes to 1, with 2 abstentions, and it was

Resolved: That authority be delegated to the Assistant Director of Planning and Public Protection to refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990 and, should the application not be called in by the Secretary of State, to then APPROVE the application, subject to:

- i. the conditions set out in the report, with the following amendments to Conditions 41, 74, 77, 79, 45 and 52 (*amended / additional text is in italics*):

Condition 41 - the reference to *Station Avenue* in the first sentence to be replaced by *Station Rise*.

#### Drainage Conditions

Condition 74 - Prior to any surface water discharge into Holgate Beck the existing surface water discharge shall first be proven and agreed by the Local Planning Authority. Surface water may then be discharged at a rate of 70% of the existing proven areas that drain to Holgate Beck. *Attenuation volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 30% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to calculate the worst-case volume required.*

Reason: To prevent increased flood risk elsewhere as a consequence of the development in accordance with NPPF paragraphs 155 and 163.

Condition 77 – There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection,
- c) the means of restricting the discharge to public sewer to a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker but based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change, and
- d) *attenuation volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 30% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to calculate the worst-case volume required.*

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Condition 79 – Each phase of drainage works shall include details of the proposed means of access and management for maintenance and repair work of the proposed watercourses, swales, ditches, surface water attenuation features and drainage systems *within the site*. The details shall include appropriate landscaping within areas required for maintenance.

The details shall be approved in writing by the LPA prior to commencement of the relevant drainage

works and the development shall be carried out in accordance with the approved details.

Reason: To allow sufficient access for maintenance and repair *work and to ensure that the attenuation volume is available* at all times.

### Highways

Condition 45 – The text should be amended to read: *Prior to the closure of Leeman Road for pedestrians and cyclists a scheme for a new alternative route for pedestrians and cyclists and details of a pedestrian access through the National Railway Museum extension shall be submitted to and approved in writing by the Local Planning Authority.*

The approved alternative new access for pedestrian and cyclists shall be implemented before Leeman Road is close for pedestrians and cyclists. The pedestrian access through the National Railway Museum shall be implemented on the opening of the extension and made available during hours of opening.

Reason: to encourage sustainable travel in accordance with section 9 of the NPPF.

Condition 52 - The text should be amended to read: *A strategy for providing electric vehicle charging facilities for each phase or sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant phase and the development shall be carried out in accordance with the approved details.*

*The strategy shall demonstrate each residential dwelling with dedicated off-street parking would incorporate a suitably rated electrical socket to allow charging of an electric vehicle. At least 2% of all on street and commercial parking shall be for the exclusive use of electric vehicles.*



*The approved facilities for electric vehicle charging points shall be provided prior to first occupation of any building within that phase or sub-phase and shall be appropriately maintained.'*

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy ENV1 of the City of York Publication Draft Local Plan and Paragraph 110 of the NPPF.

Condition 24 – The reference to replacing dead, diseased, etc planting within 5 years of substantial completion in the first sentence of paragraph 4 to be substituted with: *Any trees or plants which from the substantial completion of the planting and development phase, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season in perpetuity.*

ii. *The following additional condition requiring the provision of indoor community space:*

*Condition 83 - Prior to the occupation of the 500th residential dwelling a scheme for on-site indoor community space, shall be submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented before the occupation of the 750th dwelling. The space shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To meet the community needs of occupiers of the development in accordance with policy HW2: New Community Facilities of the City of York Publication Draft Local Plan.*

And;

iii. completion of an agreement under section 106 of the Town and Country Planning Act to secure the planning obligations detailed in the report.

Reasons:

- (i) This outline planning application seeks approval for the principle of a mixed use development of this substantial brownfield site. The site forms part of an important strategic land allocation in the emerging local plan and would make a major contribution to the provision of housing and employment land in the city, for development over the next 15 to 20 years whilst also making provision for the expansion of the National Railway Museum.
- (ii) It is an outline planning application with all detailed matters reserved for subsequent consideration. The future details of development can be controlled and determined at the appropriate times through the submission of “reserved matters” applications together with the specific requirements of planning conditions and S106 legal obligations.
- (iii) This major development proposal will clearly result a range of environmental and other adverse impacts and whilst measures can be put in place to mitigate against some of the adverse impacts, those which would remain should be properly assessed against the positive benefits of the scheme when assessing the planning balance. Both the impacts and the benefits are identified in detail in the committee report and are summarised above.
- (iv) These benefits, which are very significant when assessed against national planning policy in the NPPF and local planning policy in the emerging plan, demonstrably outweigh the adverse impacts scheme and justify consent.

Cllr C Cullwick, Chair

[The meeting started at 4.00 pm and finished at 9.33 pm].

City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	18 April 2019
Present	Councillors Reid (Chair), Boyce (Vice-Chair), Ayre [from 3b onwards], Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, K Taylor, Warters, Dew (Substitute for Cllr Brooks) and Mercer (Substitute for Cllr Shepherd)
Apologies	Councillors Brooks and Shepherd

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**Site Visits**

Application	Reason	In attendance
Land to the south of Northminster Business Park Harwood Road Upper Poppleton	To allow Members to familiarise themselves with the site	Councillors Reid, Cullwick, Cuthbertson, D'Agorne, Dew Galvin
Land to the west of Redwood House Northminster Business Park Hackness Road Upper Poppleton	To allow Members to familiarise themselves with the site	Councillors Reid, Cullwick, Cuthbertson, D'Agorne, Dew Galvin
R S Cockerill York Ltd Stamford Bridge Road Dunnington	To allow Members to familiarise themselves with the site	Councillors Reid, Cullwick, Cuthbertson, D'Agorne, Dew Galvin
York St John University Playing Fields Windmill Lane	To allow Members to familiarise themselves with the site	Councillors Reid, Cullwick, Cuthbertson, D'Agorne, Dew Galvin

Block D Hungate Development Site Hungate	To allow Members to familiarise themselves with the site	Councillors Reid, Cullwick, Cuthbertson, D'Agorne, Dew Galvin
York St John University Lord Mayors Walk	To allow Members to familiarise themselves with the site	Councillors Reid, Cullwick, Cuthbertson, D'Agorne, Dew Galvin

#### 74. **Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Doughty declared a non prejudicial interest in agenda item 3g (Forest Hill Farm, Pottery Lane, Strensall, York [16/01061/FUL] as he was employed by a railway company. Cllr D'Agorne declared a personal non prejudicial interest in agenda item 3a (York St John University Playing Fields, Windmill Lane, York [18/02824/REMM] as he was a supporter of York Cycle Campaign (who were speaking on the application). Cllrs Cullwick and Cuthbertson both declared an interest in agenda item 3b (York St John University, Lord Mayors Walk, York [18/02819/FULM] as there were former employees of York St John University [check recording]. Cllr Dew declared an interest in agenda item 3g (Forest Hill Farm, Pottery Lane, Strensall, York [16/01061/FUL], as he had known the applicant for a number of years.

#### 75. **Public Participation**

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

#### 76. **Plans List**

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

**77. York St John University Playing Fields, Windmill Lane, York [18/02824/REMM]**

Members considered a major reserved matters application from Yorkshire Housing for the appearance, landscaping, layout and scale for a residential development of 69 dwellings with associated access roads and public open space.

Members were provided with an update to the report. It was reported that there had been amendments to condition 2 due to revised plans indicating minor amendments to the layout of the equipped play area, adopted highway limits, boundary treatment along the main access to David Lloyd and minor parking adjustments. There had also been one additional objection regarding the provision of hedgehog and wildlife boxes. In response to a Member question it was clarified that a requirement for hedgehog tunnels could be requested from the applicant. Members were informed that the additional information had been assessed and the planning balance and recommendation remained unchanged from the published report.

Chris Wedgewood (Save Windmill Lane Playing Fields) spoke in objection to the application on the grounds of a material difference from the site plans, the destruction of trees, the site being in the Green Belt, a lack of cycling provision, the layout and type of housing and a disproportionate housing mix.

Fiona Fayre (Save Windmill Lane Playing Fields) spoke in objection to the application. She was a local parent opposed to building on playing fields, and she accepted that whilst concessions needed to be made, there needed to be work on maintaining the balance at that side of the city. She added that there needed to be the protection of trees.

Peter Sheaf (York Cycle Campaign) spoke in objection to the application. He asked for improvements in cycling provision on

the site, specifically a cycle route to the west of the site which would adhere to planning and policy requirements. He suggested that traffic forecasts had been underestimated and he noted the benefits of encouraging residents to cycle. Mr Sheaf was asked and confirmed that York Cycle Campaign did not submit an objection to the application.

The Applicant, Steve Hughes (Yorkshire Housing) spoke in support of the application. He noted that the application would provide new high quality affordable homes that would provide people the opportunity to access housing at all levels. He added that Yorkshire Housing had worked hard with consultants to consult with residents.

Mr Hughes was asked and confirmed that:

- Save for a number of trees, the mature and protected woodland and public access remained on the site.
- The woodland management plan had been submitted as part of the planning application.
- Yorkshire Housing would be responsible for the long term management of the woodland and would be willing to engage with residents on this.
- The roof tiles were a standard roof tile and the use of solar roof tiles was part of the outline planning requirements.
- The hedgehog boxes could be included in the boundary treatment.
- The pumping station had not moved and a small number of self seeded trees near it would be removed and there had been significant planting proposed for the removed trees.

Cllr Pavlovic spoke as Ward Member on the application. Having consulted with residents he acknowledged that the development was the best option for local residents. In respect of the reserved matters application he asked that the newly planted trees remained in perpetuity, that building machinery access the site along Hull Road, and that construction staff did not park along Windmill Lane. He would have liked some of the homes to be allocated to Key Workers.

In response to Member questions concerning the use of solar roof tiles, the CEMP and landscape, officers clarified the conditions that had been included and could be imposed. It was clarified that officers were satisfied that the trees being removed were being replaced by a suitable stock of trees.

Resolved: That Delegated Authority for the Assistant Director of Planning and Public Protection to Approve subject to a variation of the Section 106 Agreement in respect of affordable housing to be provided in the development and subject to the conditions listed in the report and an informative regarding the use of solar roof tiles.

Reason:

- i. The principle of the use of the site for residential was approved at outline stage under permission 16/02358/OUT. The application is in line with the requirement of the outline permission in terms of the number of dwellings, access to the site, public open space provision and the management of the protected tree belts. The reserved matters create a development comprising 100% affordable housing of a design and layout which is compatible with the surrounding area.
- ii. Wider development impacts are controlled via conditions imposed on the outline consent including land contamination, acoustic issues, construction environmental management plan, archaeology, drainage and landscaping.
- iii. In conclusion, it is considered that the proposed scheme would not have adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies subject to other relevant conditions.

**78. York St John University, Lord Mayors Walk, York  
[18/02819/FULM]**

Members considered a major full application from Richard Hirst for the demolition of three student accommodation blocks and

erection of a new three storey teaching block, auditorium and covered atrium with associated landscaping.

An officer update was given. It was reported that at the Committee site visit, Members queried the loss of the memorial Birch tree located within the green open space to the front of the existing accommodation buildings. Following this the Applicant confirmed that as part of the proposals this tree would be removed and the reasons for this were detailed. Officers had considered and assessed the position of the tree officer's considered that there was possibility of retaining the tree without affecting the overall quality of the development and suggested that if Members felt the tree to be worthy of retention an additional condition could be imposed. Members were informed that the additional information had been assessed and the planning balance and recommendation remained unchanged from the published report.

Rob Hickey (York St John University) was in attendance to answer questions. He was asked and confirmed that they did not want to use Garden Street for access. He was asked and detailed the number of trees to be removed and replanted and he confirmed that the memorial Birch tree could be retained.

Cllr D Craghill (Ward Councillor) spoke on the application. She welcomed the planning application which included community use of the buildings and sustainable features. She raised concern about the building line on Garden Street and requested that it be put back and that the street not be used for access. She noted residents concern regarding noise and asked for a condition regarding the soundproofing the music practice rooms. She also requested that the memorial Birch tree be retained.

Concerning the points made by Cllr Craghill, Officers clarified that the control of noise was covered by the Control of Pollution Act 1974 which was why there was an informative on amplified music, which was deemed to be reasonable by Members. Should Members be minded, they could impose a condition on the details of soundproofing.

In response to questions raised concerning the building line, it was clarified that the alterations to the rear elevation (including the building line) were covered under delegated authority.



Resolved: That Delegated Authority be given to the Assistant Director responsible for Planning and Public Protection to:

1. agree and accept such amended plans for the Garden Street elevation and frontage as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary and thereafter to approve the application as amended and grant conditional planning permission;
2. finalise the additional conditions and informative below, and recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary.

Additional conditions

1. CEMP informative including hours of work to become a condition
2. Restriction to preclude use of Garden Street
3. Memorial Birch tree to be retained
4. Details of soundproofing
5. Condition 4 for the lifetime of the development

Reason:

- i. This application relates to the demolition of three existing student accommodation blocks with a creative centre which would provide teaching and breakout space, along with a multi-function auditorium. The applicant has demonstrated that they have secured dedicated student accommodation, within the vicinity of the campus, to off-set the loss of student accommodation.
- ii. There are concerns that the proposed development, predominately the Garden Street elevation does not appropriately address the visual amenity of the street and take the opportunities to improve the overall visual quality of the area. Officers consider that further discussions relating to this elevational

treatment and relationship to the Garden Street and overall landscaping impacts can address these concerns and the applicant has agreed to address this issue.

- iii. Notwithstanding the above, the overall quality of the proposal, including impacts upon neighbouring residential amenity, ecology, heritage, sustainability and highways are satisfied and the proposal represent an acceptable form of development in this regards.

**79. Block D Hungate Development Site, Hungate, York  
[18/02946/FULM]**

Members considered a major full application from Hungate (York) Regeneration Limited for the erection of a residential apartment block, landscaping and associated works (Block D).

An officer update was given in which Members were advised that revised plans had been received which detailed changes to cycle parking provision. This change was reflected in updated plans condition (Condition 2). Concerning the education contribution, there been ongoing discussion with Education as to whether the revised contribution towards Education met all of the CIL tests. Therefore the recommendation that the Assistant Director Planning and Public Protection be granted delegated powers to determine the education contribution to be secured in the Section 106 Agreement. The additional information had been assessed and the planning balance and the recommendation are unchanged from the published report.

Following the update, officers confirmed that:

- Section 6(i)b of the report should state paragraph 5.8 above.
- CYC did not have a log of complaints referred to in the complaints procedure referenced in the CEMP. It was suggested that a copy of this log could be requested from the applicant.
- Officers would look into the funding for play equipment from the previous S106 Agreement.

Suzanne Yates (Agent for the Applicant) spoke in support of the application. She noted that the application included a sixth floor extension and removal of the car park in the basement (car

parking spaces had been included in earlier phases) . The visual impact of this was limited and there was no overall increase in the building height. She added that the building adhered to a high level of sustainability.

Suzanne Yates was asked and explained that the complaints had been adhered to and there was a full time Community Liaison Officer in place. She was asked and explained the actions taken when there had been breaches in working conditions.

CLlr D Craghill (Ward Councillor) spoke on the application. She noted that it was a sustainable building in a high density location. She expressed concern that the blocks were too high and close together and that the main problem was a lack of affordable housing.

Resolved: That;

(i) Permission be granted subject to:

a) Prior completion of a Section 106 agreement to secure the following obligations:

- an education contribution;
- affordable housing – provision of 17% affordable housing for the 186 units as approved with 20% affordable housing for the additional 10 apartments;
- off-site sports provision – financial contribution of £63,900 towards improvements to Hull Road Park buildings, changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and multi-use games area within Heworth Without.
- off-site amenity and play space provision – financial contribution of £100,004 towards projects at St. Nicholas Fields, Museum Gardens and Foss Islands Path.
- sustainable travel - payment to the occupier upon first occupation of each residential unit either a travel pass or a

non-transferable voucher to be used to purchase a bicycle.

- car club payment of £37,200;

- b) Prior completion of any necessary Section 106 Deed of Variation (referred to in paragraph 5.7 above); and
- c) The conditions outlined in the officer's report and update.

- (ii) The Assistant Director for Planning and Public Protection be granted delegated powers to determine the education contribution to be secured in the Section 106 Agreement;
- (iii) The Assistant Director for Planning and Public Protection be granted delegated powers to finalise the terms and details of the Section 106 Agreement and any necessary Deed of Variation to the existing section 106 agreement as set out in this report; and
- (iv) The Assistant Director for Planning and Public Protection be granted delegated powers to determine the final detail of the planning conditions.

Reason:

- i. This application seeks permission for revised proposals for Block D, a part six / part seven storey building comprising 196 residential apartments. Whilst there is an extant full permission, the scheme under consideration is a stand alone application and has been assessed on its own merits.
- ii. One of the key revisions to the extant scheme is an increase to the footprint of the top floor accommodation. The visual impact of this revision relates to streets that are part of the Hungate masterplan development area, and as such Officers consider it to be an acceptable increase.

- iii. In terms of elevational treatment, Officers had raised concerns throughout the application process over the level five (six storey) elevation design. The latest revisions are considered to address these concerns by including a good degree of modelling to this level to make the overall building appear as a genuine series of modulated bays. In general terms and in the context of this being a large and visually imposing building, Officers consider the elevations to be well composed with the design components handled with a generally pleasing rhythm and used consistently and logically.
- iv. The scheme involves the removal of the basement car park, representing a net reduction of 44 spaces site-wide. Whilst concerns have been expressed that the implications of this reduction are that Hungate residents will park elsewhere (outside of the site) to the detriment of the Guildhall ward local residents, Highways Officers have confirmed this to be unlikely given that the area around the site is covered either by resident parking areas or TROs such that there is very limited on street parking that can be legally used. With respects to cycle parking, amended details, which improve the quality of the provision, is awaited.
- v. With reference to the impact on undesignated heritage assets (archaeological features and deposits), the harm to result is considered to be less than substantial and is outweighed by the economic and social benefits of the development in terms of the provision of new housing and the opportunity it presents for regeneration in the area, and has been mitigated by the measures detailed in the WSI. In the context of Paragraph 199 of the NPPF, the ability to record evidence has been considered as part of the planning balance in deciding whether the harm should be permitted, but has not been a decisive factor.

- vi. It is not considered that the changes to the proposed scheme for Block D will impact on either the sustainable aims of the development proposals, nor is it considered that the changes will have an adverse impact on the existing amenities of neighbouring occupiers or the amenities of occupants of this development.
- vii. In accordance with EIA regulations and procedure, an ES Update (December 2018) has been prepared to consider the environmental implications of this revised scheme for Block D in the context of its position within the wider Hungate development site, and to assess the potential for the latest design proposals to result in new or amended environmental effects. The ES Update (December 2018) identifies that the proposed development will result in no change to the overall conclusions reached in the original ES (July 2015), as updated by the ES Addendum (August 2017), which concluded that the development proposals would not have significant adverse impacts on the environment or other amenity considerations. The development would fulfil the roles of sustainable development outlined in the NPPF and would otherwise accord with national and local planning policy.
- viii. 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.
  - a) Affordable housing – provision of 17% affordable housing for the 186 units as approved with 20% affordable housing for the additional 10 apartments.
  - b) Education – a contribution of £82,806 towards intervention pods at Fishergate Primary school and £83,316 towards pre-school provision.

- c) Off-site sports provision – Financial contribution of £63,900 towards improvements to Hull Road Park buildings, changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and multi-use games area within Heworth Without.
  - d) Off-site amenity and play space provision – Financial contribution of £100,004 towards projects at St. Nicholas Fields, Museum Gardens and Foss Islands Path.
  - e) Sustainable Travel - Payment to the occupier upon first occupation of each residential unit either a travel pass or a non-transferable voucher to be used to purchase a bicycle.
  - f) Car Club payment of £37,200.
- ix. With the exception of the contribution towards Education (reference paragraph 4.44, update to be provided at the Meeting), 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.
- x. 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.

**80. R S Cockerill York Ltd, Stamford Bridge Road, Dunnington, York [18/02937/FUL]**

Members considered a full application from Providence Holdings Ltd for the erection of three extensions to a packing building.

The Applicant, Mr M Cockerill was in attendance to answer questions. He was asked and confirmed that the flood lights could be on when needed and the LED lights could shine downward.

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

Reason: The proposed extensions are considered to be inappropriate development within the Green Belt and would, therefore, by definition be harmful to the Green Belt. Substantial weight is to be given to any harm to the Green Belt. In accordance with the NPPF, inappropriate development 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 is clearly outweighed by other considerations. There is limited harm on the openness of the Green Belt and limited harm to the green belt purposes. The very special circumstances are considered cumulatively to be afforded significant weight in the decision making process. The proposal is also considered to be acceptable on the other relevant matters including design, drainage and highway safety. Moderate weight is considered to be applied to these matters. Weighing up the planning balance, it is considered that with regard to this proposal, the very special circumstances set out do outweigh the identified harm to the Green Belt.

**81. Land to the West of Redwood House, Northminster Business Park, Hackness Road, Upper Poppleton, York [18/02919/FULM]**

Members considered a major full application from Alastair Gill for the erection of a two storey building (mixed use class B1, B8) and detached workshop with access and associated parking.

Officers provided an update reporting that there was an error in paragraph 2.3 of the report as the application site is within the



Rufforth with Knapton Neighbourhood Plan boundary. They advised that as stated in 4.10 the Neighbourhood Plan raised objection to the scale of the proposed expansion of the business park. However it advised that an extension to the park, as presented in 2016, would be acceptable subject to certain criteria with regards access, screening and the proposed uses. Officers advised that the application site was within the land that was proposed to form an extension to the business park in the 2016 consultation of the Draft Local Plan. The proposals met the criteria in the Neighbourhood Plan regarding access, (landscape) screening and the proposed uses and as such the scheme in this respect would not conflict with the Neighbourhood Plan.

Officers further advised that further to the site visits where prematurity was discussed, prematurity is a concept in planning policy as to whether approval of a planning application would prejudice emerging policy. Refusal on prematurity grounds was unlikely to be justified unless granting planning permission would undermine the plan process and the emerging plan was at an advanced stage. Where planning permission is refused on grounds of prematurity, the Local Planning Authority need to indicate clearly how the grant of planning permission for the development concerned would prejudice the outcome of the plan-making process. Referring to paragraphs 49 and 50 of the NPPF, Members were reminded that NPPF was clear that developments may only be treated as premature in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan making process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. The current proposal envisages a modest industrial development within the context of a draft allocation within the 2018 Draft Plan and identified as making a contribution employment provision. As such it is not considered to be of such a scale as to be prejudicial to the local plan process.

The additional information had been assessed and the planning balance and the recommendation are unchanged from the published report.

The Applicant, Alistair Gill, spoke in support of the application. He explained that FCS would like to establish York as a head

office. He noted the employment opportunities that would be created and that Northminster Business Park was one of three areas identified as employment sites in the draft Local Plan. He explained that the how the current proposals met the needs of FSC and he went on to explain the screening of the boundaries. He added that the benefits of the proposals outweighed the potential harm.

Mr Gill was asked and explained that it was a 17,800 square foot site on 1.25 hectares. He added that York had lost employment land due to residential development and FSC had been searching for space since 2016 and had not found an alternative location.

Edie Jones (Upper Poppleton Parish Councillor) spoke on this application and application [Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York [18/02158/FULM] on behalf of the two Parish Councils of Upper and Nether Poppleton as well as the Poppleton Neighbourhood Plan. She noted that both proposals were both on high grade agricultural land and the proposals would create the second largest business park development on the York Local Plan and they were also in the Green Belt. She explained the problems that increased traffic to the sites would bring and highlighted concerns about access. She added that more suitable sites were available at Clifton Moor.

Officers were asked and explained that in regard to alternative sites, there was a letter of support from Make it York (MiY) which explained they had been working with the applicant over the last three years to find an alternative site.

Resolved: That delegated authority be given to the Assistant Director of Planning and Public Protection to:

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. the conditions set out in this report and amended condition that the planting be for the lifetime of the development, with the Assistant Director

granted delegated powers to determine the final detail of the planning conditions

Reason:

- i. 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.
- ii. In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness. The proposal would undermine two of the five Green Belt purposes by increasing a developed area and encroaching into the countryside. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.
- iii. That the proposal would accommodate and retain a growing local business, the lack of suitable alternative sites (hence the business park being identified for expansion in the 2018 Draft Local Plan) and the extant permission at the site are considered to cumulatively clearly outweigh the harm to the Green Belt, including its openness when substantial weight is given to the harm. No other harm has been identified when considered against the NPPF. The very special circumstances necessary to justify the development therefore exist.

- iv. Other matters, associated with sustainable development, can be secured through planning permission. The scheme does not conflict with the NPPF in that there would be no severe impacts on the highway network and no significant impacts on residential amenity.
- v. If members are minded to approve the application it will be referred to the Secretary of State under the requirements of section 77 of the Town and Country Planning Act 1990.

**82. Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York [18/02158/FULM]**

Members considered a major full application from Helen Lowther and George Burgess for the erection of a new industrial facility (use class B2/B8 with ancillary office B1a) with access road, parking and landscaping.

Officers provided Members with an update on the application. The further comments and conditions received from Public Protection were outlined.

Members were advised that further to the site visits where prematurity was discussed, prematurity is a concept in planning policy as to whether approval of a planning application would prejudice emerging policy. Refusal on prematurity grounds was unlikely to be justified unless granting planning permission would undermine the plan process and the emerging plan was at an advanced stage. Where planning permission is refused on grounds of prematurity, the Local Planning Authority need to indicate clearly how the grant of planning permission for the development concerned would prejudice the outcome of the plan-making process. Referring to paragraphs 49 and 50 of the NPPF, Members were reminded that NPPF was clear that developments may only be treated as premature in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan making process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. The current proposal envisages a modest industrial development within the context of

a draft allocation within the 2018 Draft Plan and identified as making a contribution employment provision. As such it is not considered to be of such a scale as to be prejudicial to the local plan process.

The additional information had been assessed and the planning balance and the recommendation are unchanged from the published report.

The agent for the applicant, Katharine Morgan, spoke in support of the application. She advised that the application related to the relocation of Unipart from Leeman Road to Northminster Business Park. She explained that the applicant had been approached by York Central and then went on to outline the case for very special circumstances.

Officers were asked and confirmed that:

- The timing of lighting during night time hours.
- Regarding the investigation of alternative sites, eight sites had been considered, two of which were in the York boundary.
- As there were no time limits on conditions relating to planting and landscaping, these were for the lifetime of the development.
- The building could be green until the planting had grown.

Resolved: That delegated authority be given to the Assistant Director for Planning and Public Protection to:

i. refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to

ii. the conditions set out in this report and additional and revised conditions below with the Assistant Director granted delegated powers to determine the final detail of the planning conditions

### **Additional conditions**

- (i) Construction Environmental Management Plan Condition

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

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

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

Reason: To protect the amenity 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.

(ii) Reporting of Unexpected Contamination

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 and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the 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.

(iii) Details of all machinery, plant and equipment

Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to and agreed 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 the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise



sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

(iv) Hours of Jet Wash

The jet wash shall not be used between the hours of 17.00 hours and 08.00 hours (the next day).

Reason: To protect residential amenity. Concerns that the proposed jet wash used outside of typical working hours would exceed the background noise levels and potentially cause a noise disturbance.

(v) Hours of delivery

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

Monday – Sunday 07.00 hours to 17.00 hours.

With the exception of 1 HGV (Heavy Goods Vehicle) which shall be limited to one visit between 17.00 hours and 07.00 hours (the next day).

Reason: To protect residential amenity. Insufficient information was submitted with the application to demonstrate that more than 1 HGV visit to the site (during night time hours) would not cause disturbance to the occupants of the nearby dwellings.

(vi) Lighting Scheme

The implemented lighting scheme shall be in accordance with Drawing Number D35216/JB/B received 01 April 2019.

Reason: To protect residential amenity and the character of the area. To prevent light pollution. The lighting scheme meets the CIE/ILP (International Institute on Illumination/Institute of Lighting Professionals) guidance levels for day time period

(vii) Hours of lighting

The external lighting shall be restricted to the following hours:

Monday to Sunday 07:00 hours to 23:00 hours

Reason: To protect the amenity of the nearby residential properties and to prevent light pollution. These lighting levels appear to be suitable levels for day time use up to 23.00 hours, however after the 23.00 curfew the average lighting levels would be too high for the character of the area and would potential result in visual harm and disturbance. The lighting during the night time hours would not meet the CIE/ILP (International Institute on Illumination/Institute of Lighting Professionals) guidance. The proposed planting would not provide sufficient screening during night time hour. No mitigation has been proposed for the lighting at night therefore the requirement for the restriction.

### **Revisions to Conditions**

#### Condition 3 (Materials)

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

construction of the building. The development shall be carried out using the approved materials.

Condition 5 (Landscaping)

Prior to construction of the building a detailed planting plan and management plan shall be submitted and approved in writing by the Local Planning Authority in accordance with the approved Landscape Masterplan (Drawing Number 2959/1 Revision A received 12 September 2018) which shall include the species, stock size, density (spacing), and position of trees, shrubs, and other plants. It will also include details of tree pits and support and ground preparation and fencing. It will also include how the proposed planting will be maintained and managed to to create healthy woodland along the west and south boundaries. The development shall be carried out and maintained in accordance with these approved details. 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.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area. In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the building within the Green Belt.

Condition 6 (Hedge and tree protection)

Before the commencement of and during building operations, adequate measures shall be taken to protect the trees and hedges shown as being retained on Drawing Number 1214-03 Revision S (received 12 March 2019) and Drawing Number 2959/1 Revision A (received 12 September 2018).

Land levels should not be altered (raised or excavated) within the root protection areas. A tree and hedge protection plan shall be agreed in writing with the Local Planning Authority and 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. In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

Reasons:

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

- iii. It is considered that cumulatively the economic benefits and the retention of the business and jobs within the city, and the fact that Unipart is to relocate to enable the York Central site to be regenerated, are considered to clearly outweigh the harm to the Green Belt and the harm to visual character and amenity identified in this report, even when substantial weight is given to the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development exist.
- iv. The Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals that constitute inappropriate development within the Green Belt, and are recommended for approval, are referred to the Secretary of State for consideration.

**83. Forest Hill Farm, Pottery Lane, Strensall, York  
[16/01061/FUL]**

Members considered a full application from York Pullman Bus Company Ltd for a 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).

The Applicant, Tom James (Managing Director, York Pullman Bus Company Ltd), spoke in support of the application. He outlined the very special circumstances for approval of the application as being job losses, the loss of home to school transport in York and emergency work for major rail providers. He was asked and explained the York Pullman bus sites in York explaining that other sites had been considered and discounted because of their unsuitability.

In relation to Pottery Lane access he was asked and confirmed that he would be agreeable to funding passing places and to changing the types of trees used to screen the site.

Andrew McGuinness (Regional Manager, Northern & Yorkshire Regions, CPT UK and Vice Chair, York Quality Bus Partnership), spoke in support of the application. He explained that CPT represented bus operators and he noted the impacts of the loss of operating facilities and development opportunities

for bus operators in York. He also noted the cost implications of moving the location of the depot.

Bill Woolley spoke in support of the application. He noted that he worked for Rufforth Estates and had no involvement in the application. He noted that local operators in York had been lost with York Pullman being the only independent bus operator remaining. He noted the operators contribution to home to school transport and that the benefits of the application outweighed the harm to the Green Belt.

John Chapman (Strensall Parish Councillor) spoke in objection to the application. He noted that Strensall Parish Council always supported local employment and home to school transport, however, the application failed to demonstrate the case for very special circumstances.

In response to a Member question, officers confirmed that the North Yorkshire County Council response regarding home to school transport was included in the committee report.

Following debate it was:

Resolved: That the application be approved subject to referral to the Secretary of State (if required) and the following conditions (the wording of which to be agreed by the Assistant Director, Chair and Vice Chair:

Condition 1 – Plans

Condition 2 - Highway work condition regarding the provision of two passing places on Pottery Lane

Condition 3 - Landscaping plan to include a mixed nature hedge instead of leylandii.

Condition 4 - Electric vehicle recharging points

Condition 5 - Submission of lighting scheme.

Reason: The proposed development would constitute appropriate development in the Green Belt that does falls within the listed exceptions in paragraphs 145 and 146 of the National Planning Policy Framework (2018). The considerations put forward by the applicant are considered to amount to the very special circumstances that are required to clearly outweigh the totality of harm to the Green Belt and other harm identified. The proposal is therefore not

considered to be contrary to paragraphs 143 - 146 of the National Planning Policy Framework.

**84. Appeals Performance and Decision Summaries**

Members received a report informing them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2018, and provided a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing was also included.

Resolved: That the report be noted.

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

**85. Urgent Business**

Thanks was recorded to Committee Members and the Chair for their work during their terms of office as Councillors.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 7.45 pm].

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**COMMITTEE REPORT**

**Date:** 13 June 2019                      **Ward:** Rural West York  
**Team:** Major and                              **Parish:** Parish Of Rufforth With  
Commercial Team                              Knapton

**Reference:** 19/00482/FUL  
**Application at:** Vale Engineering (York) Limited Rufforth Approach Farm  
Wetherby Road Rufforth York  
**For:** Erection of light industrial building (use class B1)  
**By:** Mr. Geoffrey Wilson  
**Application Type:** Full Application  
**Target Date:** 18 June 2019  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The proposal is for the erection of a light industrial building to provide additional accommodation for the existing business on site, Vale Engineering Ltd. This company provides maintenance, assembly and storage of weed control equipment.

**SITE AND SURROUNDINGS**

1.2 The application site is within the general extent of the Green Belt on the outskirts of Rufforth. The site sits to the North of the B1224 and is accessed via a track from the public highway. The site contains 3 large buildings of an agricultural appearance. There is an area of hardstanding in the North East corner of the site. Boundaries are defined by a security fence with a mature hedge around the outside.

**PLANNING HISTORY**

1.3 6/137/78/A/P - Erection of a 100 sow pig unit - Approved  
00/00015/FUL - Change of use from agricultural buildings to general storage/  
warehousing - Approved  
03/03861/FUL - Change of use from general storage to agricultural engineering,  
associated storage and ancillary training - Approved

**2.0 POLICY CONTEXT**

2.1 (Revoked) Yorkshire and Humber Regional Spatial Strategy (saved policies)

YH9(C)

Y1 (C1 and C2)

Application Reference Number: 19/00482/FUL

Item No: 4a

## 2.2 2018 Publication Draft Local Plan (Draft Plan)

SS1 Delivering Sustainable Growth for York  
SS2 The Role of York's Green Belt  
EC1 Provision of Employment Land  
EC5 Rural Economy  
D1 Placemaking  
D2 Landscape and Setting  
GB1 Development in the Green Belt  
ENV5 Sustainable Drainage

## 2.3 2005 Development Control Local Plan (DCLP)

### 3.0 CONSULTATIONS

#### INTERNAL

##### Public protection

3.1 No objections in principle subject to a condition to control noise levels audible outside of the premises.

#### EXTERNAL

##### Rufforth with Knapton Parish Council

3.2 No objection to the proposal which is covered by policy Rwk 16 of the Neighbourhood Plan. The proposal meets the policy and also the stated aims and visions of the NP. It is noted that the business has a good record of attempting to recruit locally.

##### Neighbour notification and publicity

3.3 No representations

### 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 Impact on neighbouring amenity
- o Parking and access
- o Flood risk and drainage
- o Very special circumstances

#### POLICY CONTEXT

## Development Plan

4.2 The Rufforth with Knapton Neighbourhood Plan was made on 20th December 2018 and now, in the absence of an adopted Local Plan, forms the development plan for this area. Section 38(6) of the Planning and Compensation Act 2004 and NPPF at para.11 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

4.3 The saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relate to the general extent of the York Green Belt and form the development plan for York. 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.

## National Planning Policy Framework (2019)

4.4 The revised National Planning Policy Framework was published in February 2019 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised), the Rufforth Neighbourhood Plan and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

## Emerging Local Plan

4.5 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 February 2019, 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.

## Development Control Local Plan (2005)

4.6 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 February 2019, although the weight that can be afforded to them is very limited.

## GREEN BELT

4.7 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.

4.8 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:

- 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.

4.9 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

4.10 The proposal is for a new building within the Green Belt. As such para. 145 of the NPPF is relevant. This details the forms of new buildings which are considered not inappropriate in the Green Belt and includes:

buildings for agriculture and forestry;  
the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds and allotments;  
the extension or alteration of a building;  
the replacement of a building;  
limited infilling of villages;

limited affordable housing for local community needs in accordance with a development plan policy; and limited infilling, or partial or complete redevelopment of previous developed land which would not have a greater impact on openness.

4.11 It is clear that the proposed new building does not fall within any of these exceptions and therefore constitutes inappropriate development. In accordance with para.143 of the NPPF, inappropriate development is by definition harmful to the Green Belt and can only be approved in very special circumstances. Para.144 goes on to state that substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations.

#### Impact on openness

4.12 The introduction of a substantial new structure will inevitably have an impact on openness. The proposed building has a footprint measuring 14.4m by 48.8m with a ridge height of 6.6m and is agricultural in character with a blockwork plinth, composite sheeting on the walls and roof which has a shallow pitch.

4.13 The area of the site on which the building will be located is currently hard surfaced and sits behind one of the existing buildings and adjacent to another. The two existing buildings to the South of the site are 7.2m and 6.8m to the ridge. Boundary treatments around the site are mature hedges of approximately 2m in height. The building will bring the built form closer to the Eastern boundary of the site and, in conjunction with the existing building in the South East corner, will result in a significant amount of development along this boundary.

4.14 While the introduction of a building within an area of the site currently empty of any structure does inevitably have an impact on openness, this is somewhat mitigated by agricultural form of the building, its scale relative to other buildings on site and the good boundary treatment around the site which mean that in terms of its visual impact on openness the harm is limited. Harm to openness has also been identified as a result of the increase in built form along the Eastern boundary of the site although visibility of this will be restricted as a result of the lack of highway or public right of way in any proximity.

#### Landscape and visual assessment

4.15 As a result of the agricultural appearance of the building and its similar height to existing buildings it is considered that the visual impact will be minimal. There are existing mature hedges around the site and the building will be partially screened by these. The strong boundary treatment ensures that the site is visually very contained with the proposed development sitting comfortably within the existing site boundaries. In addition, the road passes to the South of the site and existing buildings between the new building and highway will provide screening. A public right of way passes to the West of the site; again existing buildings will partially

screen the new building from walkers. The landscape and visual impact of the building has been assessed against policies D1 and D2 of the emerging Local Plan and is considered to comply with these.

#### Impact on neighbouring amenity

4.16 The proposal is approximately 300m from the nearest dwellings and it is considered that as a consequence of the distance involved there will be little impact on neighbouring amenity. To ensure that machinery operated within the building does not result in excessive noise to neighbouring residents, a condition is recommended to submit details and mitigation for any equipment which will be heard outside the site.

#### Parking and access

4.17 The site is already in use by Vale Engineering with vehicles using the access road on to the B1224. The access road is single track but a passing place is provided. It is not considered that there will be a significant increase in traffic on the road as the applicant has stated that the building is to provide shelter for works currently undertaken on the site outside of the existing buildings. However there is an intended increase in employees of 3 FTE so some small increase in comings and goings is likely but not significant. Adequate space is retained on site for employee parking. The site is not particularly sustainable as a result of its rural location however it is close to Rufforth and the Parish Council have indicated that the applicant seeks to employ local workers. There is also a bus service along Wetherby Road which could be used by workers from the urban area.

#### Flood risk and drainage

4.18 The construction of the building increases the impermeable area on site. As such surface water run-off from the building will need to be dealt with in a way which will not increase flooding. An appropriately worded condition is recommended to deal with this.

#### Other considerations

4.19 Policy RwK 10 Design in the Neighbourhood Plan, requires that development proposals demonstrate high quality design, form and layout that respects the distinctive character of the Parish having regard to scale, density, massing, height, landscape, materials and access as appropriate. The design and materials of the building are considered appropriate in this rural location. The building is similar in height and width to existing buildings on site but is significantly longer although still not out of keeping with the character of the site. The proposal is considered in compliance with this policy.

#### Very special circumstances

4.20 The applicant had provided a legal submission providing evidence for an extant planning permission for a pig farm which has only been partly implemented. It is claimed that this could still be fully implemented and includes a building in a similar location to that now proposed. The approved, but not implemented, building

was similar in footprint but only 1.8m in height. The bulk of the building was also set further into the site and away from the building than the current proposal. The applicant claims that it would still be possible to implement this building from the pig farm and provides case law to support this. Officers consider otherwise - the use of the site has changed and a pig fattening shed would be incompatible with the existing use on site. In addition, the building was significantly lower in height than that now proposed and of a distinctly agricultural form specific to its proposed use.

4.21 Following discussion with officers, the applicant has provided some very special circumstances in support of the application. These are:

The building is required to be the scale and height proposed as a production line form of assembly is utilised to avoid errors. The height is required to lift gritter bodies on to axles.

Currently, as a result of a lack of space in the existing buildings, assembly takes place outside. This clearly has impacts on the workforce being cold in winter and hot in summer.

The site is in a rural location which is suited to the business. Consideration of sites at Northminster Business Park has been made although use of this would fragment the workforce and require the doubling up of tools and equipment to cover both sites. The Business Park is a 10 mile round trip from Rufforth Approach through neighbouring villages. There are also benefits from the existing situation as goods vehicles moving metal and picking up finished equipment generally come off the A1 and down the B1224 thereby missing most residential areas.

Attention is brought to the character and form of the buildings being appropriate in an agricultural setting and the mature boundary treatment around the site which provides good screening of the development.

Policy RwK 16 'Small scale commercial enterprises' in the Rufforth Neighbourhood Plan is also highlighted as it is considered to support the proposal. This states that:

Policy No. RwK 16 - Small Scale Commercial Enterprises- In so far as planning permission is required, proposals for agricultural development and the change of use of existing buildings for employment generating development (Classes B1/B2/B8) will be supported subject to the following criteria:

- The proposed use should provide opportunities that meet local employment needs and be of a scale and type commensurate with a rural environment.
- There is no significant increase in air or noise pollution.
- There is no significant adverse impact of traffic movement, with regard to HGVs, or on road or pedestrian safety.
- Conversions are within the dimensions of the existing building and of a style sympathetic to existing buildings and the surrounding countryside.
- There are no significant adverse impacts on drainage.

Paragraph 8.16.4 of the supporting text for the policy reads 'The Plan allows for the small-scale expansion of existing operations providing the criteria above are met. It is noted that these operations may be within the Interim Draft Green Belt and therefore any expansion must be within the existing site curtilage and buildings must be of a size and nature commensurate with existing buildings on the site'.

4.22 Officers also note that the proposal will result in an increase in the workforce from 9.5 FTE to 12.5 FTE. The business is an existing location employer who has operated for a number of years from the site. The nature of the business is also broadly suited to a rural location; this location also being particularly appropriate as it is outside the village such that works on site are unlikely to disturb neighbouring residents and the site itself is well contained thereby making further sprawl into the Green Belt unlikely.

4.23 Officers have considered relevant policy within the Neighbourhood Plan. Policy RwK 01 refers to development in the Green Belt. This states that inappropriate development in the Green Belt will not be supported except in very special circumstances and that new buildings are regarded as inappropriate development. The supporting text to the policy states that the NP's Green Belt seeks to preserve the agricultural character of the Parish. There is nothing in the proposal which fails to meet this policy.

4.24 Policy RwK 16 (as stated above at para. 4.20) is supportive of small scale commercial enterprise. The proposal is considered to meet the criteria listed in the policy. While the building is large, it fits comfortably within the existing site curtilage which is well defined within the countryside. The building is appropriate for this rural location and there is little visible from outside the site which would suggest that the site was in anything other than an agricultural use.

## **5.0 CONCLUSION**

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the restrictive policies in the NPPF relating to protecting the Green Belt. The development plan for the site is the Rufforth with Knapton Neighbourhood Plan and the proposal must be assessed against this and policies in the NPPF relating to the Green Belt.

5.2 The NPPF indicates that very special circumstances necessary to justify inappropriate development in the Green Belt cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF also states that in the planning balance substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by way of inappropriateness of the proposed



development. The presumption against inappropriate development in the Green Belt means that this harm alone attracts substantial weight. Additionally, the proposed development would reduce the openness of the Green Belt as a result of its scale and position when the most important attributes of Green Belts are their openness and permanence. The building would also undermine one of the purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. Some limited harm has also been identified to visual amenity as the result of the scale of the building and its position close to the boundary of the site.

5.3 The applicant has put forward a number of factors to demonstrate very special circumstances to clearly outweigh these harms. Substantial weight has been given to the harm to the Green Belt through inappropriateness and additional harm through harm to openness, visual amenity and one of the purposes of including land within the Green Belt. It is considered however that the very special circumstances put forward by the applicant are sufficient to outweigh this harm and are unique and individual to the applicant.

## **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Location plan

Proposed plans and elevations P6189-01 D

Proposed site plan

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

3 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1metre 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.

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

Design considerations.

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

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

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

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

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

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

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

## **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:

Imposed appropriate conditions

Discussed possible very special circumstances with applicant

#### **2. INFORMATIVE:**

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974.

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b)The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites.

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

(d) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

[https://www.york.gov.uk/downloads/download/304/developers\\_guide\\_for\\_controlling\\_pollution\\_and\\_noise\\_from\\_construction\\_sites](https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites)

(e) There shall be no bonfires on the site

(f) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

**Contact details:**

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19/00482/FUL

Vale Engineering (York) LTD Rufforth Approach Farm Wetherby Road



Scale : 1:1664

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	04 June 2019
<b>SLA Number</b>	Not Set

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1.5 The application seeks planning permission for the erection of a building, in the form of a timber log cabin in this grassed area, using the existing foundations. It is intended to provide ancillary office accommodation (meeting room, staff break out and toilet facilities) for an existing occupier of the main office building, Community First Yorkshire.

### Planning History

02/01504/FUL Erection of single storey pitched roof extension to South elevation;  
Application Approved 24 July 2002

## **2.0 POLICY CONTEXT**

2.1 Yorkshire and Humber Regional Spatial Strategy (RSS) 2008 (revoked)

### Saved Policies

YH9(C) Green Belts

Y1(C1 and C2) York Sub area policy

2.2 PUBLICATION DRAFT LOCAL PLAN 2008

SS2 The Role of York's Green Belt

D1 Placemaking

GB1 Development in the Green Belt

2.3 DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

GP1 Design

GB1 Development in the Green Belt

## **3.0 CONSULTATIONS**

### INTERNAL

### Highways Network Management

3.1 Verbal confirmation that there are no highways issues as a result of the proposal. It has been suggested that the plans indicate access to be taken from Mill Lane only, and the existing access from Askham Field Lane made redundant.

### Public Protection

3.2 There is no contaminated land constraints identified for this site and it is therefore considered to be a low risk application.



Flood Risk Management Team

3.3 Verbal comments; whilst the application indicates that surface water is to be drained to soakaway however experience has shown that this is problematic in this area. However a condition can deal with foul and surface water drainage matters.

EXTERNAL

Askham Bryan Parish Council

3.4 No response received to date.

Yorkshire Water

3.5 It is noted from the application that surface water is to be drained to soakaway/watercourse.

Ainsty Internal Drainage Board

3.6 The application sits close to the Drainage Board's district. The application will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

Publicity and neighbour notification

3.7 The application has been advertised by site notice and neighbour notification. The occupiers of Hilltop raised concerns in respect to parking on Mill Lane and a suggestion of planting/ screening between the two properties to mitigate the impact. The application has been amended, with four additional car parking spaces to be provided within the application site and the provision of a 2m high close boarded fence along the shared boundary to the south of Hilltop. The objections from the occupiers of Hilltop have subsequently been withdrawn.

**4.0 APPRAISAL**

4.1 Key Issues:

- Principle of the development- assessment of harm to the Green Belt
- Whether the proposal is inappropriate development within the Green Belt
- The effect of the proposal on the openness of the Green Belt
- Impact on the character of the area
- Impact upon neighbouring amenity
- Parking and Access
- Flood Risk and Drainage
- Very special circumstances

## Planning Legislation

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. In this area, the development plan comprises of 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.

## National Planning Policy Framework (2019)

4.3 The revised National Planning Policy Framework (NPPF) (2019) sets out the government's planning policies for England and how these are expected to be applied. Paragraph 7 states that the planning system should contribute to the achievement of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental.

4.4 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development unless the application of specific policies in the NPPF indicate development should be restricted.

## Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013

4.5 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 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.

## Publication Draft Local Plan 2018

4.6 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 the 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).

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

#### Development Control Local Plan (2005)

4.8 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

#### PRINCIPLE OF THE DEVELOPMENT- ASSESSMENT OF HARM TO THE GREEN BELT

4.9 The application site lies within the general extent of the York Green Belt and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Policy GB1 of the 2018 Draft Plan is also relevant. 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.

4.10 Paragraph 144 of the NPPF establishes that substantial weight should be given to any harm to the Green Belt. Paragraph 143 states that inappropriate development that is, by definition, harmful to the Green Belt, 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 is clearly outweighed by other considerations.

4.11 Paragraph 145 continues stating that the construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. The exceptions are set in Paragraph 145 of the NPPF and are as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.12 The applicant considers that paragraph 145 (g) is relevant in this case, which allows limited infilling or the partial or complete redevelopment of previously developed land, subject to the development not having a greater impact on the openness of the Green Belt than the existing development.

4.13 The site comprises a small parcel of land that serves an existing office complex; formerly the headquarters of Pilcher Homes and now provides office accommodation for three other businesses. There is the existing Water Tower within the site. The site is considered to constitute previously developed as detailed by the NPPF (Annex 2: Glossary, page 70) "Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure".

4.14 The building will be sited on an existing concrete foundation, positioned to the east of the existing Tower House office building in an open grassed field. The foundations are positioned 16m (approx) from the southern boundary with Askham Fields Lane. The site is mostly visible from the southern approach, from Askham Fields Lane, however the Water Tower is the most prominent feature in the landscape, with existing buildings on the site being single or two storey's high. There is a tree belt along the southern boundary of the site. To the east, the gas distribution stations comprises of low level pipes. The majority of hardstanding is located to the north of the existing office building, around the Water Tower.

#### IMPACT ON HARM TO OPENNESS AND PURPOSES OF THE GREEN BELT

4.15 The NPPF states that openness is an essential characteristic of Green Belts. The proposed erection of an office building due to its nature as built development will reduce openness within this part of the Green Belt, however due to its setting within the existing site, and its single storey construction, the loss of openness is considered to be limited.

4.16 Policy GB1 will permit development on the Green Belt where:

"i. the scale, location and design of development would not detract from the openness of the Green Belt;

ii. it would not conflict with the purposes of including land within the Green Belt; and

iii. it would not prejudice or harm those elements which contribute to the special character and setting of York;

and it is for one of the purposes, which includes appropriate facilities for cemeteries

All other forms of development within the Green Belt are considered inappropriate.

Very special circumstances will be required to justify."

4.17 There are unresolved objections to Policy GB1 that will be considered through the examination in public of the Local Plan and therefore it should only be afforded limited weight in the decision making process for the purposes of this application.

4.18 The proposed development would be inappropriate development in the Green Belt. It would lead to limited harm to the openness of the Green Belt. Paragraph 134 of the NPPF goes on to state that the Green Belt serves five purposes. These are:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and

f) other urban land.

4.19 The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 Draft Plan, although limited weight can only be attached to the latter.

4.20 The application site is located outside the prevalent areas within the Green Belt identified for preserving the historic character and setting of York.

4.21 The fundamental purpose of Green Belt policy is to keep land permanently open. The concept of 'openness' in this context means the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The new building would result in increased urban form along Askham Fields Lane, to/from Askham Bryan and the A64. Given its position to the east within an open grassed field away from the main development surrounding the Water Tower, the proposed development of the office building would be unduly prominent in the context of the general open space provided by the wider site. This would result in harm to the openness and permanence of the greenbelt and is therefore considered to be inappropriate development in the Green Belt. As the site lies within the general extent of the Green Belt, and is not the most valuable areas of green Belt, the proposal is considered to harm one of the five purposes of Green Belts outlined in paragraph 134 of the NPPF. Specifically, part C

which relates to the purposes of assisting in safeguarding the countryside from encroachment. The proposal gives rise to harm to the Green Belt by reason of inappropriateness which should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

## IMPACT ON THE CHARACTER OF THE AREA

4.22 Section 12 of the NPPF seeks to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

4.23 The application seeks a timber structure with pantile pitched roof measuring 16.5m x 7.6m. It shall provide a meeting room, store and staff facilities including toilets and break out area to serve Community First York who currently operate from an existing office within Tower House. It is of a simple design and with it being single storey, it is considered that it would harmoniously fit into the rural characteristics of the area.

## IMPACT UPON NEIGHBOURING AMENITY

4.24 The building shall be served by windows, in all four elevations, however it would be positioned in excess of 21m away from Hilltop House, the nearest residential dwelling and would therefore not result in any increased overlooking to detriment of the occupiers of Hilltop. In addition, the applicant has included the erection of a timber fence along the shared boundary with Hilltop, to address their objections; the timber fence will help to alleviate any overlooking and reduce the visual impact upon the occupiers of Hilltop.

4.25 The applicants have specified that it will be a temporary building to accommodate the needs of an existing charity, Community First Yorkshire who operate from an office within the existing Tower House. The site is commercial in nature, with up to four businesses operating from Tower House. This office use is consistent with nearby neighbouring properties, in terms of comings and goings and operating hours.

## PARKING AND ACCESS

4.26 Whilst a rural location, the site is particularly accessible by private car, off the A64 or from Askham Bryan. There is an existing bus stop located on Askham Fields Lane that provides public transport links between Askham Bryan College and the city. The existing access from Mill Lane into the car park serving Tower House offices would not be altered. The plans have been amended to indicate an additional four

new parking spaces accommodated within the site, which would cover the four new roles that the charity anticipate to recruit in the coming year. It is noted the Community First Yorkshire require access to London for undertaking work with government departments and surrounding rural communities, across north, south and west Yorkshire, with a small number of staff office-based and the majority hot desk and work at other locations, as their roles require. Furthermore, the provision of additional car parking within the site would address the concerns raised by the objectors regarding the parking of cars along Mill Lane; however this could also be attributed to students of Askham Bryan College. The increase in office floorspace is not considered to materially affect the level of traffic to the site.

4.27 Highways Network Management have suggested the blocking off an existing vehicular access from Askham Fields Lane; this access appears to be used irregularly, with the main access off Mill Lane to the rear. The Askham Fields Lane access would not provide a direct vehicular route to the new building without extensive hardstanding. It is not considered that there is a demonstrable highway safety issue for restricting this access in connection with the proposed office building, and a condition is unlikely to meet the 6 tests of a planning condition in this regard.

#### FLOOD RISK AND DRAINAGE

4.28 The site is located within flood zone 1 where there is a low risk of flooding. The application will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The application details that surface water is proposed to be drained into a soak-away. No objections have been raised from Yorkshire Water and the Ainsty Drainage Board, however concerns are raised from the Flood Risk Management Team in respect to this method of dealing with surface water run-off; however this can be dealt with by condition.

#### CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

4.29 The application details that the proposed office accommodation will be used solely by Community First Yorkshire. They currently rent part of the office space in Tower House and require additional meeting space to meet growth demands. They advise that on a more regular basis, they rent meeting rooms from another company in the complex, however this unsustainable practice in the long term, for both Community First Yorkshire and the other existing business.

4.30 Community First York are a regional charity working across North, South and West Yorkshire. Since 1937 they support voluntary and community groups in rural communities. They have a particularly focus upon finding solutions to rural connectivity (including transport and broadband), affordable housing, service for young and older people and tackling loneliness and isolation. They have been based in York for over 30 years, originally at Del Monte factory and now at Askham Bryan for

the last 10 years, which provides the advantage of access to transport links, not just to Yorkshire but to London when there is a need to work with governmental departments.

4.31 A letter from Community First Yorkshire's Chief Executive, Leah Swain makes a case for very special circumstances which is as follows:

4.32 The charity has undertaken steps to reconfigure the existing office space and working arrangements to accommodate the growth, however there is a need for additional meeting space to work together and to promote best business practice. The charity has seen an unprecedented growth; over the last 8 years staffing levels have increased from 11 to 36 staff members as well as a turnover of over £1 million.

4.33 Other locations have been looked into however larger alternative premises are limited and the majority of the space is located within the city centre, however as a Rural Community Council there is a need to be based in a rural location. Offices are significantly bigger and unaffordable.

4.34 If retaining an office base as Askham Bryan, rural office space in north Yorkshire would be the most affordable location and could potentially result in the loss of up to 10 members of staff who live in York and are unlikely to follow the Charity to alternative locations outside of the city that requires extensive travelling. The Charity is looking to recruit four new roles this year and if provision isn't made to retain the office in Askham Bryan, they would have to move to alternative premises outside of York.

4.35 The landlord and lease arrangements are understanding and supportive to the operation and changing fortunes of the Charity over the last 10 years.

## ASSESSMENT OF THE APPLICANT'S CASE FOR VERY SPECIAL CIRCUMSTANCES

4.36 In terms of the above case that is relevant to this particular development, the applicant had demonstrated how the rural location and links with York is critical to maintaining the work of the charity across North, West and South Yorkshire. There is also emphasis upon retaining staff who reside in the city, and their ability to access the site. The additional meeting space with help to continue the charities current work and facilitate greater staff integration and best business practice for the benefit of the voluntary and community groups that Community First Yorkshire supports. The proposed facilities are specific to the business needs of Community First Yorkshire and are unlikely to set a precedent for other development within the Green Belt. These considerations are relevant and significant in weighing against the harm to the green belt and any other harm resulting from the proposal.

## 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 that 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 National planning policy (para. 145) states that the construction of new building in the Green Belt should be regarded as inappropriate unless it falls within one of the exceptions to this outlined in paragraph 145 b of the NPPF. The proposal does not fall within one of the exception categories and it fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt, namely parts C of policy 134 of the NPPF (assisting in safeguarding the countryside from encroachment), contrary to paragraph 145b of the NPPF.

5.3 The proposal is considered to be acceptable on other relevant matters, such as design, impact upon highways, neighbouring residential amenity and drainage and floodrisk. Moderate weight is applied to these matters. Weighing up the planning balance, it is considered that the considerations set out in paragraphs 4.29-4.30, 4.32-4.35 and 4.36 would collectively clearly outweigh the harm to the Green Belt. No other harm has been identified and that the very special circumstances necessary to justify the proposed development exist.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

105 P01 Proposed Site Plan

110 P00 Proposed Floor Plan and Elevations

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

3 DRAIN1 Drainage details to be agreed

**7.0 INFORMATIVES:**

Application Reference Number: 19/00454/FUL

Item No: 4b

## 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:

- Provided additional information in respect to very special circumstances
- undertook negotiation / discussions with objector's and revised plans

#### Contact details:

**Author:** Lindsay Jenkins Development Management Officer

**Tel No:** 01904 554575

19/00454/FUL

Pilcher Homes Tower House Askham Fields Lane



Scale : 1:1037

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	03 June 2019
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 13 June 2019                      **Ward:** Wheldrake  
**Team:** Major and                      **Parish:** Elvington Parish Council  
Commercial Team

**Reference:** 18/02839/FULM  
**Application at:** Land Lying To The South Of Elvington Airfield Network  
Elvington York  
**For:** Erection of two storey industrial building (mixed use class B1,  
B2, B8) with access and associated parking  
**By:** c/o Agent  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 1 July 2019  
**Recommendation:** Approve after referral to Sec. of State

**1.0 PROPOSAL**

1.1 The application site lies to the south of Elvington Airfield Industrial Estate approximately 6 miles south east of York. Vehicular access is to the north of the site, from Brinkworth Rush which connects through the industrial estate to Elvington Lane (B1228). The site lies in flood zone 1 and within the general extent of the Green Belt. The site forms part of the 2018 Publication Draft Local Plan site allocation ST26 (Land South of Elvington Airfield).

1.2 The site occupies approximately one third of an existing arable field that is bound to the east with a single row of mature trees - predominantly Oak. The soil is sandy and appears to be naturally drained. A young, trimmed, native hedge runs along the northern boundary of the site. A semi-mature, mixed, narrow shelter belt forms the western boundary of the main field, alongside an old airfield lane. The access to Cannon House Farm borders the southern boundary of the main field.

1.3 The applicant is Sheppee International Ltd. The company focuses on developing new machinery to handle hot glass within the manufacturing process of bottles. 90% of the produced handles and lehr loaders are exported out of the UK, primarily to Europe for machinery supplying the wine and beer industries. Over 85 percent of the parts used in the manufacture of the machinery are sourced from within the UK, where nearly 40 percent of parts are supplied to Sheppee from other Yorkshire based companies. The company is local to York, having been established in 1902 in James Street and operating from the existing Elvington Business Park since 1993. Sheppee currently operates from five different units in the business park. The purpose of the application arises from the need to consolidate operations to improve efficiency, and also gain additional floorspace to allow expansion, meaning they need to find alternative premises.

1.4 Full planning permission is sought for the erection of a two storey industrial building (mixed use class B1, B2, B8) with access and associated parking.

1.5 The proposed building would have a shallow dual pitched roof, reaching a maximum of 11.4 metres in height, 30.8 metres wide and 103.2 metres in length. The building is rectangular in shape and will have a footprint of 3,065 square metres. The building will contain 696 square metres of office space over two floors at the northern end of the building.

1.6 The walls of the building will predominantly be alternate vertical cladding sections of light (albatross) grey and dark (anthracite) grey. The cladding at the office end of the site

1.7 Vehicular access will be off Brinkworth Rush with 61 car parking spaces proposed, 6 of which would be disabled. Cycle parking will also be proposed as is ancillary development including waste storage, a sub station, hard and soft landscaping and an area of hard standing adjacent to the proposed building to allow for access and a turning circle for HGVs.

## **2.0 POLICY CONTEXT**

2.1 (Revoked) Yorkshire and Humber Regional Spatial Strategy (saved policies)

YH9(C)

Y1 (C1 and C2)

2.2 2018 Publication Draft Local Plan (Draft Plan)

DP1 York Sub Area

DP2 Sustainable Development

DP3 Sustainable Communities

SS1 Delivering Sustainable Growth for York

SS2 The Role of York's Green Belt

SS3 York City Centre

SS21 Land South of Airfield Business Park, Elvington

EC1 Provision of Employment Land

EC5 Rural Economy

D1 Placemaking

D2 Landscape and Setting

D6 Archaeology

GI2 Biodiversity and Access to Nature

GI4 Trees and Hedgerows

GB1 Development in the Green Belt

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

T1 Sustainable Access

T7 Minimising and Accommodating Generated Trips

2.3 2005 Development Control Local Plan (DCLP)

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Strategic Planning

3.1 The site falls within an employment allocation in the emerging Local Plan known as ST26 'Land South of Airfield Business Park, Elvington'. Policy SS2 proposes to take the site out of the green belt. Given the advanced stage of the 2018 Local Plan's preparation, the extent and significance of unresolved objections to emerging policy SS2 'The Role of York's Green Belt' and the stated consistency with the Framework, we would advise that policy SS2 should be applied with limited weight. 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. As such, the application site falls within the general extent of the green belt and should be treated as such.

3.2 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. 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 EC1, D1, D2, GI4, CC1, CC2, ENV4, ENV5, T1 and T7 should be applied with moderate weight. Only limited weight can be afforded to policies SS2 and SS21.

3.3 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). The proposals amount 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 is for the applicant to prove that very special circumstances exist which would outweigh the potential harm to the Green Belt.

3.4 On the basis of our analysis of the applicant's very special circumstances we agree with their conclusions. The requirement for the release of land from the general extent of the greenbelt now, in advance of the plan, is evident. Furthermore, the economic benefits of the development outweigh any potential harm to the general extent of the Green Belt. It is considered that changes to the general extent of the York Green Belt are required to meet development needs for employment and

thereby contribute to achieving sustainable development. The proposed allocation ST26, within which the application site falls, represents a limited extension of the built up area within a setting that is in part a legacy of the wartime development of the airfield. No policy objection, subject to discussions with colleagues in design, conservation and sustainable development with regard to landscape and setting and climate change.

## Design, Conservation & Sustainable Development (Landscape Architect)

### Views and Setting

3.5 Views are mostly experienced from vehicles, and a limited number of cyclists, travelling along Wheldrake Lane (a classified B road). Visibility is greater for the five months of the year when the hedges are largely bare. The existing units (York Mailing et al) north of Cannon House Farm, and those north of the application site (National Windscreens et al), are visible across the open agricultural landscape from Wheldrake Lane. The large scale and light colour of the sheet-metal clad units render them easy to identify, particularly in the winter landscape. The existing industrial units on the airfield complex can be seen in the distance, in part, set against the backdrop of Brinkworth Rush wood - a remnant of Scotch Plantation - beyond a foreground of hedgerows and arable fields. Elvington Grange sits in the middle ground; it is a large farmstead at the end of a long, shared, private drive, off Wheldrake Lane. Currently there is distinct separation between the farm complex and airfield. The open countryside either side of Wheldrake Lane provides expansive separation between the villages of Elvington and Wheldrake, (the villages can not currently be seen within the same view) and the rural setting for Elvington and Wheldrake.

3.6 A public right of way from Elvington, crosses Wheldrake Lane then runs along the access to Cannon House Farm, where it terminates. This runs immediately alongside the southern boundary of the field in which the application site is located. There is no formal footpath connection beyond Cannon House Farm, but shortly before this it might be possible to link with a terminal track into the airfield network.

3.7 There are also close range views of the site from Hunter Drive/Brinkworth Rush, which terminates at the two larger end units. This private road is generally used for business/employee vehicles. There are potential future pedestrian links to Elvington airfield should some of it come forward for development in the emerging local plan.

3.8 The proposed building would be visible from Wheldrake Lane. The visibility would be greatly reduced in the summer months due to the intervening vegetation provided by the field boundaries. The extension of the business park into the fields between Brinkworth Rush and the PROW would visually bring Elvington business park closer to Wheldrake Lane from where it would be seen adjacent to, and in association with, Elvington Grange. The latter is agricultural in character. The development is obviously industrial, by way of the size and architectural treatment of the building. But the proximity of the two would blur the distinguishment between



them. The effect would be to bring Elvington business park closer to Wheldrake Lane. The PROW, to Cannon House Farm, currently passes through arable fields either side of the track. Views of Elvington airfield business units are close but the rural environment dominates the scene. The business park would leap forward through this development.

### Impact on Existing Landscape Character, Features and Mitigation

3.9 The development results in a direct change of character to the landscape type from open arable land to built industrial with predominantly hard surfacing. This arrangement results in the loss of approximately 80m of hedgerow and some young trees, including Oak and Willow. The existing, nicely established (early-mature) hedge follows the line of the old runway - now Brinkworth Rush lane. It is not an historic field boundary, and appears to have been introduced possibly after the closure of the airfield. The proposed landscape scheme introduces 180m of new native hedging within a 4m wide grassland verge around the western part of the application site. This is isolated by hard-standing on either side, and creates a contrived field boundary. Nonetheless it mimics the surrounding landscape pattern and mitigates the loss of the existing hedgerow.

3.10 The trees along the eastern boundary should be retained in a self-sustaining environment. To this end there should be absolutely no interference with the crown or roots of the tree either at their current, or future, size. There should be absolutely no development operations within the RPA of the trees. The proposed landscape scheme utilises a suitable range of native tree and hedging species in a simple layout applicable to the wider landscape.

3.11 Revised plans were requested to include a specimen tree in the north west of the car park, pulling the building away from the existing trees and for planting along the southern boundary to reduce the visual impact.

### Design, Conservation & Sustainable Development (Ecology & Countryside Officer)

3.12 An Ecological Appraisal, based around a desk study and extended Phase 1 Habitat Survey, was undertaken in August 2018. A preliminary assessment of habitats suitable for roosting and foraging bats was undertaken. Subsequent targeted surveys were undertaken for reptiles and Great Crested Newts.

3.13 The development will result in the loss of arable habitat, tall ruderal habitat, seven trees, 80 metres of species-rich native hedgerow and alongside this a small strip of semi-improved neutral grassland. The line of trees along the eastern boundary will be retained.

3.14 The main habitat across the site is arable. This is generally considered to be of low ecological value when intensively managed, although 'arable field margins' are a Habitat of Principal Importance for conservation under Section 41 of the Natural

Environment and Rural Communities (NERC) Act 2006 where they are managed for the benefit of wildlife. Within the site boundary some of the field margins provide permanent semi-improved grassland strips, which whilst the specific management of these is unknown will provide a benefit to wildlife including farmland birds.

3.15 All hedgerows over 20m long and consisting predominantly (i.e. 80% or more cover) of at least one woody UK native species are considered a Habitat of Principal Importance for conservation under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. This would encompass the majority of hedgerows on site.

3.16 The loss of arable habitat and hedgerows could displace a number of farmland bird species through direct habitat loss or disturbance during construction and operation.

3.17 The invasive non-native species Himalayan balsam (*Impatiens glandulifera*) is present on site, particularly along the eastern boundary. It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Himalayan balsam is included within this schedule. The submission of a method statement would ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

3.18 The site contains habitat suitable for Great Crested Newts and there is known to be a large meta-population in the network of ponds surrounding the site. Great Crested Newts live on land for the majority of their lives, and so loss of terrestrial areas, particularly those close to a breeding pond, can be very damaging. As a general guide, suitable habitats within 250m of a breeding pond are likely to be used most frequently. Fragmentation occurs when development imposes barriers to dispersal, resulting in disrupted movement across a site, for example between breeding ponds and hibernation areas.

3.19 The loss of habitat has not been quantified but I estimate it to be 0.2ha of good, connected terrestrial habitat (tall ruderal, field margins and hedgerow). The new landscape proposals include 180m of new native hedgerow, new native tree and shrub planting with areas underneath sown with a meadow grassland mix, although much of this will be alongside the roads and broken up within the hardstanding of the car park/yard.

3.20 The Habitats Directive contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS. The "derogation tests" which must be applied are as follows:

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

3.21 With regards to the third test, the wider area supports a large meta-population of Great Crested Newts with a breeding pond within 300m of the site. The site contains c.0.2ha of suitable terrestrial habitat. GCN are nominally widespread across Britain and classed as a species of 'least' conservation concern by the IUCN Red List of Threatened Species (although the population trend is decreasing). The requirement for a European Protected Species Licence or Reasonable Avoidance Measures will prevent any direct harm to GCN. The creation of new landscape edges in the development will maintain suitable, although limited, habitat on site if managed sensitively and the retention of the eastern boundary will maintain connectivity in the landscape. Therefore the third test for maintenance of favourable conservation status is met.

3.22 Conditions on Landscaping, Invasive Non-Native Species Control, Nesting of Birds, Protection of Badgers, European Protected Species Licence, Drainage Details (amphibian protection) are recommended.

#### Design, Conservation & Sustainable Development (Archaeologist)

3.23 A desk-based assessment and geophysical survey have been submitted with this application. There are no known archaeological deposits or features within the proposed site boundary. However, an extensive late prehistoric/Romano-British settlement is known to exist south of Wheldrake Wood to the SW of the proposed development area demonstrating the exploitation of wider York during this period. The geophysical survey has identified a small area of anomalies in the north-east corner of the site which have been assessed as being geological features although an archaeological origin is also a possibility. However, given the relatively low archaeological potential of the site no further investigation is required for this application.

#### Network Management (Highways)

3.24 No objections to the proposed development from a highways point of view, subject to conditions.

3.25 The application is for an industrial facility with offices and distribution. The site is to be served by an existing private road named Brinkwoth Rush accessed from the adopted highway as a continuation of Hunter Drive which is part of Elvington Airfield

Industrial Estate. Brinkworth Rush is an un-kerbed, metalled carriageway in the ownership and control of the applicant.

3.26 The proposed development is likely to attract a very high modal share of private car trips as a result of the relatively remote location and poor sustainable accessibility of the site. Nonetheless, the anticipated effect on the local highway network is expected to be low, as an average of 51 no. two-way vehicle movements per day is predicted. The plans include 60 car parking spaces which has been demonstrated as an appropriate number for the location and anticipated shift patterns of staff.

3.27 Walking distances to the nearest pocket of residential would be in the region of 1.6km. This is still an acceptable walking distance for commuting, however a small catchment. The site is located within 1km of the bus stop that serves the main road, which does have earlier services from the Pocklington area. Unfortunately at present, this is likely to be unsuitable for a daily commute, particularly for York residents, due to the bus availability; however there is a strong potential for the frequency to increase due to continuing development in the area.

3.28 The northern edge of the scheme is approximately 100m south of the nearest adopted highway. The proposed development drawings show a widened road and footways to both sides of the road in the vicinity of the development access from Brinkworth Rush; however it has been established that the full road construction as shown is to be developed as part of the future build-out of the allocated site, should the proposed local plan be adopted. Negotiations to include a pedestrian footway connecting the eastern adopted footway of Hunter Drive (adopted) with the site on Brinkworth Rush as part of this application have been positive. The applicant has agreed to forming a 2m footway flanking the site and continuing this north to connect to the existing adopted highway to provide a protected walking route to this site. This will enable staff to access the site on foot from the nearby industrial estate, village and the nearest bus stop located on Elvington Lane.

3.29 Ample cycle parking has been included on the plans, details of which are to be conditioned. Appropriate turning for HGVs within the curtilage of the site has been demonstrated.

3.30 The transport assessment is a little negative on the sustainable transport options open to employees, which doesn't give much to work with when considering the application in terms of compliance with the NPPF relating to sustainable travel options.

## Environmental Protection

### Noise

3.31 The proposed unit is approximately 400 metres from residential premises so noise from the intended use as an industrial activity will cause an adverse impact on

amenity. Informatives are recommended to remind the applicant of environmental health standards with regard to construction noise.

### Contaminated Land

3.32 The existing site is agricultural and rough scrubland. The applicant has submitted a report which identifies There are two landfills within 1 kilometre of the site with the nearest being 139 metres to the north. Elevated concentrations of contamination are not considered likely due to this limited historical development. The report also identifies the site as in a high risk rating for unexploded ordinances. Conditions are recommended for ground gas assessment, verification of gas protection measures, reporting of unexpected contamination and electric vehicle charging.

### Flood Risk Engineer

3.33 No objections to the development in principle but if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and public sewer network.

### Economic Growth

3.34 Supports the application for the erection of a 33,000 sq. ft. industrial building at land south of Elvington Airfield.

3.35 City of York Council's Corporate Plan 2015-19 sets out the Council's ambition for York to be a prosperous city for all, a city where local businesses can thrive. Key to this is the provision of suitable employment space to enable business start-up, growth, and ultimately success. The proposed planning application, if approved, will enable a successful local manufacturing business with international standing to expand and critically remain in York. The construction of a new facility on land south of the airfield will allow Sheppee International to consolidate their operations - currently split across five separate units on Elvington Airfield Business Park, as well as gaining additional floorspace to aid growth. A secondary benefit of this proposed application, if approved, is that the relocation of Sheppee International will release capacity in three units on the existing business park, providing backfill opportunities for businesses looking to either grow or relocate to York. Both anecdotal evidence through business engagement and recent office/industrial availability data provided by Co-Star demonstrates a strong demand for business accommodation (of all sizes) across York.

3.36 Manufacturing is a key part of York's industrial heritage and remains an important sector for the city today, accounting for 4% of all businesses and employment in the city. Rather than manufacturing declining in York, as suggested by the agents operating on behalf of the applicants, ONS data shows that the number of manufacturing businesses in York has grown by 10% during the last five years, with

employment within the sector growing by 12.5% during the same period. The availability of three business premises as a result of Sheppee International's relocation (if approved) has the potential to support further business and employment growth in York in manufacturing and other sectors associated with similar use type classes (B1, B2 and B8). In addition to the above, Sheppee International's relocation to land south of Elvington Airfield will consolidate their business operations and provide the business with room to expand, retaining jobs for their workforce - 85% of who live in a YO postcode.

3.37 The availability of suitable business accommodation in York to support business growth has long been a challenge for the city's economy. It therefore comes as no surprise to the Economic Growth team that Sheppee International's search for alternative premises in York to expand into has been unsuccessful, especially given the size of premises required and the business's desire to be in close proximity to York's major road network. The solution proposed by Sheppee International to build a new purpose built facilitate on land south of Elvington Airfield is one that should be supported as it would not only retain an important local employer with international significance in York, retaining local jobs, but will also provide back fill opportunities on the adjacent business park for existing businesses in York to expand, or even attract new businesses to the area. Given the economic benefits associated with the proposed planning application, the Economic Growth team strongly supports the application for the erection of a 33,000 sq. ft. industrial building at land south of Elvington Airfield.

External

Yorkshire Water

3.38 Conditions recommended for separate foul and surface water drainage and for surface water drainage details to be submitted prior to the commencement of development.

Natural England

3.39 No comments. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Environment Agency

3.40 Site in flood zone 1 and flood risk assessment submitted. Appropriate development for location, no need for formal consultation (verbal response).

3.41 The application was advertised via site notice, press notice and neighbour notification. One response was received from a local resident requesting a condition be imposed to ensure there is a wildlife corridor to enable animals (including badgers, otters and barn owls) to move either side of Brinkworth Rush between wildlife friendly habitats.

## **4.0 APPRAISAL**

### 4.1 Key Issues

Policy Context

Principle of Development

Openness of the Green Belt

Purposes of the Green Belt

Design

Landscape

Ecology

Highways and Parking

Drainage

Contamination

Impact on Amenity

Archaeology

Sustainability

Agricultural Land

Very Special Circumstances

## **POLICY CONTEXT**

### Development Plan

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for York mainly consists of the saved policies of the revoked Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt.

### Saved Policies of the Yorkshire and Humber RSS

4.3 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long

term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C. Figure 6.2 of the RSS illustrates the general extent of the Green Belt.

#### National Planning Policy Framework (NPPF) (February 2019)

4.4 The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

4.5 The NPPF states that the planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. The NPPF sets out in paragraph 11 the presumption in favour of sustainable development which applies unless the application of specific policies in the NPPF indicate development should be restricted.

#### Publication Draft Local Plan (2018)

4.6 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 the 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).

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

#### Development Control Local Plan (2005)

4.8 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. 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.

## PRINCIPLE OF DEVELOPMENT/APPLICATION OF GREEN BELT POLICY

4.9 Policy SS1 of the 2018 Draft Plan states that development during the plan period will be consistent with certain priorities including providing sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth. Economic Growth beyond 2018 is forecast in the 2018 Draft Plan. Policy EC1 of the Plan sets out employment land requirements and allocated sites to meet the forecast demand. The application site lies within the draft allocation site known as ST26 'Land South of Airfield Business Park, Elvington'. Policy EC1 states that this site will be allocated for 25,080 square metres of floorspace for the following suitable uses: B1b (research and development of products and processes), B1c (light industry appropriate in a residential area), B2 (general industrial) and B8 (storage and distribution). Policy SS21 of the Draft Plan is the site specific policy for development within allocation ST26 and sets out the key principles for the development of the strategic site, which are dealt with in turn.

- Retain and enhance historic field boundaries where possible and reflect in the masterplanning of the site.
- Provide appropriate landscaping/screening to assist in mitigation against the erosion of the existing semi-rural setting of the airfield.
- Demonstrate that all transport issues have been addressed, in consultation with the Council as necessary, to ensure sustainable transport provision at the site is achievable. Impacts on Elvington Lane and Elvington Lane/A1079 and A1079/A64 Grimston Bar junctions will need to be mitigated.
- Further explore air quality, noise and light pollution and contamination issues.
- Investigate further archaeological deposits on and around the site.
- Address further surface water drainage issues due to the presence of aquifers, dykes and becks in the surrounding area.

4.10 The application site is considered to lie within the general extent of the York Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 goes onto to state 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. Industrial buildings do not fall within the list of exceptions set out in paragraphs 145-146 of the NPPF and therefore represent inappropriate development. It is therefore necessary to consider whether there are very special circumstances that would justify would outweigh the harm to the Green Belt.

4.11 Policies SS2 and SS21 of the 2018 Draft Plan is relevant. The former seeks to take the site out of the Green Belt as a strategic employment allocation and the latter

is a. However, as the Council's Strategic Planning Officer notes, given the current status of the Local Plan, only limited weight can be applied to these policies in line with paragraph 48 of the NPPF.

4.12 Therefore, for the purposes of this application, the site must be treated as within the general extent of the Green Belt as set out in the saved policies of the Yorkshire and Humber RSS.

#### IMPACT ON THE OPENNESS OF THE GREEN BELT

4.13 While it is considered there are very special circumstances to overcome the "inappropriateness test" it is still necessary to consider whether the proposal will have an impact on the openness of the Green Belt and whether or not any harm to the Green Belt is identified. As with the definition of very special circumstances, openness is not explicitly defined in national planning policy. It is however considered to be in both a visual and spatial sense.

4.14 In visual terms, the proposal will involve the erection of a new building on a greenfield site to the south of the existing cluster of buildings at the Elvington Airfield Industrial Estate. The building will be visible from a public right of way to the south of the site, but this is proposed to be mitigated with planting along the southern boundary of the draft site allocation. By its very nature and location the proposed development is acknowledged to cause limited harm to the openness of the Green Belt.

#### PURPOSE OF INCLUDING THE SITE IN THE GREEN BELT

4.15 The purpose of including the site in the Green Belt is considered to be safeguarding the countryside from encroachment by dint of extending the existing industrial estate to the south. Due to its location, the proposed development is considered to be sufficiently distant from existing settlements such as Elvington so as to preserve the setting and historic character of York and its surrounding villages. The site does therefore perform a Green Belt purpose and the proposed development would cause harm to the purposes of including the site in the Green Belt, although this harm is considered to be limited.

4.16 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. The applicant has put forward a number of other considerations which they consider would justify the proposal and these are set out and assessed in paragraph 4.42 onwards.

#### DESIGN

4.17 Given the status of the 2018 Draft Plan, the design of the proposed development should primarily be considered against Section 12 of the NPPF which

sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 seeks to ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, whilst not preventing or discouraging appropriate innovation or change;
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.

4.18 Policy D1 can be afforded moderate weight and states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

4.19 The proposed development is for a stand alone industrial building with associated hard standing and soft landscaping to the boundaries. The building itself is typical of its propose use, with a simple box form and a shallow, dual pitched roof. The existing Airfield business park has developed somewhat organically and as such there is no uniform character for the business park. The existing buildings are predominantly single storey detached buildings with a mix of cladding and brick work as materials. The cladding proposed is typical for an industrial building as is the form of the building, including the roof shape. External hardstanding for the manoeuvring of delivery vehicles within the site, associated parking and storage is also expected and reasonable for commercial development.

## LANDSCAPING

4.20 Paragraph 127 of the NPPF states that planning decisions should ensure that development are visually attractive as a result of factors including effective landscaping. Policy D2 considers landscape and setting and should be afforded moderate weight. Policy SS21 requires the retention and enhancement of historic field boundaries where possible. The policy also requires the provision of appropriate landscaping/screening to assist in mitigation against the erosion of the existing semi-rural setting of the airfield.

4.21 The proposed development does result in the loss of seven trees and approximately 80 metres of hedgerow. The line of trees along the eastern boundary will be retained. With regard to the hedgerow, the Council's Landscape Architect has noted that "the existing, nicely established (early-mature) hedge follows the line of the old runway - now Brinkworth Rush lane. It is not an historic field boundary, and appears to have been introduced possibly after the closure of the airfield." 180 metres of new hedgerow will be planted along the western boundary. The building has been re-positioned slightly to the west following original comments from the Landscape Architect to protect the root protection areas of the eastern boundary trees. Soft landscaping is proposed to the south of the site to reduce the visual impact from the public right of way to the south and to partial views of the site when viewed from Wheldrake Lane (also to the south). Revised plans have been received incorporating these changes and the Landscape Architect has no objection subject to appropriate conditions.

## ECOLOGY

4.22 Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. Policy GI2 of the 2018 Draft Plan also seeks to conserve and enhance biodiversity. As noted in Policy SS21, the application site is adjacent to two Sites of Local Interest and designated and candidate Sites of Importance for Nature Conservation (SINC) and surveys have indicated there may be ecological interest around the site itself. The site is also within the River Derwent SSSI risk assessment zone.

4.23 The proposed development will result in the loss of arable habitat, tall ruderal habitat, seven trees, 80 metres of species-rich native hedgerow and alongside this a small strip of semi-improved neutral grassland. An Ecological Appraisal was submitted along with a Great Crested Newt Assessment and a Reptile Survey. Further information was requested by the Council's Ecologist in the form of an Ornithology Report. These reports have been considered and the Council's Ecologist has no objection, subject to conditions and noting that a European Protected Species Licence or Reasonable Avoidance Measures will also prevent direct harm to a Great Crested Newt population.

## HIGHWAYS AND PARKING

4.24 In paragraph 102 the NPPF advises that transport issues should be considered from the earliest stages of development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised - for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;

- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

4.25 Paragraph 103 goes on to state that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

4.26 Paragraph 108 of the NPPF advises that development proposals should ensure that safe and suitable access for all users can be achieved. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (Para. 109). Policy T1 of the 2018 Draft Plan can be applied with moderate weight and states that to provide safe, suitable and attractive access, development proposals will be required to demonstrate there is safe and appropriate access to the adjacent adopted highway. Development proposals should also create safe and secure layouts for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict.

4.27 61 car parking spaces including 6 disabled spaces are provided. Dedicated cycle parking is also provided as is an area of hardstanding to allow for the manoeuvring of HGVs. There is already a tarmac road to the edge of the application site, but with no dedicated footpath. The applicant has submitted a Transport Statement in support of the application.

4.28 In terms of travelling to the site, the statement notes that the site is unlikely to be accessed by many pedestrians due to the rural location. Cycling from Elvington village is considered to be a viable option. Bus services to the entrance of the existing industrial estate from York do not currently arrive until 10.03 so are unlikely to be useful for staff, although there is some split shift working proposed. The Council's Highways Officer did note earlier services arrived from the Pocklington direction.

4.29 It is also recognised that if the Council's Local Plan were to progress that significant development is proposed to the north west of the site in the form of over 3,000 dwellings at strategic site ST13 (Land West Of Elvington Lane) which could include foot and/or cycle links with the existing industrial estate although at this stage it is considered that no more than limited weight can be afforded to this consideration.

4.30 Car parking will exceed maximum standards, although it is noted that disabled parking will also double the minimum standard required. Dedicated cycle parking has been provided and the details can be included by condition. It is noted that the ground floor plan also includes a shower which would further encourage cycling. A condition will also be imposed requiring the construction of a footpath alongside the eastern carriageway of the access road (Brinkworth Rush) from the existing industrial estate. This will encourage pedestrian access to the bus stop on Elvington Lane.

4.31 The Council's Highways Officer has no objection with regard to highway safety and accepts the submitted vehicle tracking that demonstrates that delivery vehicles can manoeuvre within the site. While it is recognised that the site is less accessible via sustainable transport, this is not considered to conflict with Paragraph 103 of the NPPF, which notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

## DRAINAGE

4.32 Policy SS21 advises that development at the strategic site should address further surface water drainage issues due to the presence of aquifers, dykes and becks in the surrounding area. The site lies in flood zone 1 and the flood risk assessment confirmed that a soakaway test was undertaken which was unsuccessful due to the subsoil conditions. Surface water drainage is to be discharged at a controlled discharge rate to the local watercourse. Foul water drainage will connect to the existing mains sewer to the north of the site in the existing business park. Yorkshire Water and the Council's Flood Risk Management Engineer have no objection to the proposal subject to condition. The Environment Agency have no comments to make on the application given the location of the site and the proposed use.

## CONTAMINATED LAND

4.33 Paragraph 178 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination and any proposals for mitigation including land remediation. Policy ENV3 of the 2018 Draft Plan also requires appropriate contamination assessment for development proposals. The contaminated land report submitted with the application shows the site as agricultural with no historic development. Two landfills are located within 1 kilometre of the site, including one at the airfield 139 metres to the north. The Council's Environmental Protection Officer has recommended appropriate conditions.

## IMPACT ON AMENITY

4.34 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life

as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan also consider amenity.

4.35 The proposed development is approximately 400 metres from the nearest dwelling. The surrounding land uses include the existing business park to the north which contains a mix of office, warehouse and industrial uses and also the Yorkshire Air Museum. There are commercial uses further to the west of the site also. The application site also adjoins existing agricultural land. While there will be some noise generated by the proposed use, due to the location this is considered to be acceptable. The Environmental Protection Officer has recommended informatives reminding the applicant of construction noise restrictions and these can be appended to the decision notice should planning permission be granted.

## ARCHAEOLOGY

4.36 Section 16 of the NPPF requires that developers undertake appropriate assessment where a development site includes, heritage assets with archaeological interest. Policy SS21 states that development must investigate further archaeological deposits on and around the site. Policy D6 requires that proposals which affect deposits will be supported where they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present. A desk based assessment was undertaken including aerial photography. There are no known archaeological deposits or features within the proposed site boundary however, there is the possibility of the remains of late prehistoric/Romano British activity existing on the site. A geophysical survey identified a small area of anomalies in the north-east corner of the site which have been assessed as being geological features although an archaeological origin is also a possibility. Given the level of information provided and the findings, the Council's Archaeologist does not require further investigation as part of this application and no condition is necessary.

## SUSTAINABILITY

4.37 Paragraph 153 of the NPPF states that proposed development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy CC2 of the 2018 Draft Plan require that development proposals for new buildings be required to meet BREEAM excellent standards. The applicant has submitted a BREEAM statement stating the building meets a 'very good standard'. While this does not meet the higher test set out in the policies of the Draft Plan, only moderate weight can be attached to this. The applicant was asked to justify the failure to meet the 'excellent' criteria and the BREEAM assessors responded on behalf of the applicants noting that "the requirement must be considered against the simplicity of the proposal - a shell and core delivery of a straightforward industrial unit - lacking many of the more in-depth issues where

BREEAM can be of greatest benefit; heating, ventilation, use of refrigerant systems, passive design analysis, life cycle analysis etc". The proposed development is contrary to Policies CC2, but the level of weight can be applied is acknowledged and the development as a whole will be weighed in the planning balance exercise set out in the conclusion of the report.

## LOSS OF AGRICULTURAL LAND

4.38 Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by wider benefits of natural capital including the economic and other benefits of the best and most versatile agricultural land. Clarification is provided in footnote 53 of the NPPF which states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

4.39 For the purposes of clarification best and most versatile agricultural land is defined as in categories 1 to 3a of the Agricultural Land Classification (ALC). There is no set definition of 'significant development' but it is taken to mean as more substantial than the definition of major development in planning terms.

4.40 The application site contains part of an existing arable field with an area of approximately 2.6 hectares. The site lies within draft allocation ST26 and explanatory paragraph 3.96 of the Draft Plan advises the site is predominantly best and most versatile agricultural land south of Brinkworth Rush in categories 2 to 3a of the ALC. Approximately 0.9 hectares of this field will be developed. This is less than the '1 hectare or more' definition of major development in planning terms.

4.41 A detailed ALC classification map for the York district is not available. Natural England mapping of ALC in the Yorkshire and Humber region is not detailed and is for strategic planning purposes. The mapping indicates that most agricultural land within the York district also falls within categories 2 and 3, although it should be noted that this mapping does not subdivide category 3 (category 3b is only considered of moderate quality and therefore not 'best and most versatile'). On the basis of the evidence available it can be concluded that some best and most versatile agricultural land will be lost as a result of the development but that it is not reasonable to require an assessment of alternative sites given the scale of development.

## CASE FOR VERY SPECIAL CIRCUMSTANCES

4.42 There is no set definition of very special circumstances to justify inappropriate development in the Green Belt. A planning statement has been submitted setting out the applicant's case for very special circumstances to allow for the granting of planning permission in the Green Belt in advance of the adoption of the Local Plan.

4.43 The very special circumstances are considered to be:



- The status of the emerging of the Local Plan
- The importance of Sheppee Ltd to the local economy with 90% of products exported, 85 % of parts used in the manufacture sourced from within the UK, including nearly 40% from within Yorkshire
- 85% of employees live within a York postcode
- The current arrangement of the company in five buildings is insufficient for the needs of the company and is limiting production rates and the ability to develop the business
- The company has identified a gap in the market for repairing and serving machinery but there is currently no space to accommodate such diversification of the current operations
- There is a surge in interest in glass products due to increased awareness of the harm plastic products are causing the environment
- The company has made clear that if a site cannot be found in York to overcome the current constraints they would be prepared to move out of the district even though York is the preferred location of company employees. They have been unable to find an alternative location in York.
- Moving into new premises will allow the company to become more efficient and will ensure minimal disruption given they would be moving a short distance
- By moving out of buildings on the existing industrial estate, space will become available for smaller businesses to grow or new businesses to relocate to York.

4.44 The economic benefits identified should be considered against the relevant policies, including paragraph 80 of the NPPF which states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This is reflected in Policy DP1 of the 2018 Draft Plan which notes that the Local Plan will aim to ensure York fulfils its role as a key economic driver within both the Leeds City Region and the York, North Yorkshire and East Riding LEP areas.

4.45 Moderate weight can also be applied to Policy EC1 which seeks to provide the provision for a range of employment uses during the plan period at strategic sites, including the application site. The argument for very special circumstances put forward by the applicant was accepted by the Council's Strategic Planning Officer in their consultation response. The Council's Economic Growth consultation response noted that "availability of suitable business accommodation in York to support business growth has long been a challenge for the city's economy" and strongly supports the proposed development. Given the above the case for very special circumstances is considered to outweigh the identified limited harm that development would bring to the openness and purpose of the Green Belt in this location.

4.46 While it is considered that only moderate weight should be applied to Policy EC1 and limited weight should be applied to Policy SS21, they do set out the parameters for the suitable employment uses at this proposed strategic site. 25, 080

square metres of B1b (research and development), B1c (light industry), B2 (general industrial) and B8 (storage and distribution) uses are proposed.

4.47 The proposed building is to contain 3228 square metres of space that fits within these use classes, but also 696 square metres of office space. As the company is moving into one building, some office space is acceptable as reasonable. This proportion would be little over 20% of the building itself and is considered to be ancillary. To ensure the office space does not expand and result in a use that is potentially unsuitable for this location a condition will be imposed restricting the amount of office space.

## **5.0 CONCLUSION**

5.1 It is accepted that the proposed development constitutes inappropriate development within the general extent of the York Green Belt as defined by the saved policies of the revoked Yorkshire and Humber RSS. The applicant has put forward a strong economic argument as to why special circumstances exist for granting planning permission in the Green Belt in advance of the adopted of the Local Plan. Paragraph 144 of the NPPF states 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 resulting from the proposal, is clearly outweighed by other considerations.

5.2 As previously identified the very special circumstances are considered to outweigh the Green Belt harm. Furthermore, the proposed development is considered to be acceptable in terms of the impact on the character of the area due to its location and the proposed landscape mitigation. The proposal is considered to be acceptable subject to appropriate conditions with regard to matters relating to ecology, drainage, amenity and highways.

5.3 While it is recognised that the proposed development does not meet the 'BREEAM excellent' required by 2018 Draft Plan policy CC2, only moderate weight can be applied to this policy and the difficulty of achieving this standard given the type of development is acknowledged. It is not considered that failure to meet this policy requirement carries sufficient weight to tip the planning balance against the granting of planning permission. It is also noted that there will be the loss of some best and most versatile agricultural land as a result of the proposed development, however detailed mapping of the York district in terms of agricultural land classification is not available and therefore it should be considered that the proposed development does not accord with paragraph 170 of the NPPF. However, these matters, even when combined with the identified harm to the Green Belt, are not considered to outweigh the positives of the proposed development.

5.4 The Town and Country Planning (Consultation) (England) Direction 2009 states in paragraph 4 that inappropriate development in the Green Belt on land allocated as Green Belt in a development plan document and which consists of or includes the

provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more must be referred to the Secretary of State for consultation prior to the issuing of the decision notice. This application meets the aforementioned criteria and therefore the recommendation is one of conditional approval subject to referral to the Secretary of State.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve after referral to Sec. of State

1 TIME2 Development start within three years

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

33K Building Plan General Arrangement 1001 rev P1 received 12 December 2018

33K Proposed Elevations 1003 rev P1 received 12 December 2018

Proposed Site Plan 1002-2 rev P5 received 3 April 2019

Location Plan 1006 rev P4 received 16 May 2019

Detailed Landscape Proposals 50084-DR-LAN-102 rev D received 29 May 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 VISQ8 Samples of exterior materials to be app

4 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be 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.

5 Prior to commencement of development, gas monitoring and/or a risk assessment shall be carried out by a competent person to assess landfill 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.

6 Prior to first occupation, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing 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

7 LC4 Land contamination - unexpected contam

8 HWAY18 Cycle parking details to be agreed

9 HWAY19 Car and cycle parking laid out

10 HWAY35 Servicing within the site

11 The development shall not come into use until a kerbed, metalled and drained 2m wide footway connecting Hunter Drive to the development has been constructed, unless otherwise agreed in writing by the Local Planning Authority. The footway should be maintained and retained solely for the purpose of pedestrian access.

Reason: In the interests of good planning and road safety.

12 EPU1 Electricity socket for vehicles

13 Prior to the commencement of the relevant works, details of the approved sub station shall be submitted to and approved in writing by the Local Planning Authority. The sub station shall be constructed in accordance with the approved plans.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

14 Prior to the first occupation of the building, details of any proposed external lighting shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure any external lighting is appropriate for the rural location.

15 The approved detailed landscape proposals, in accordance with drawing no. 50084-DR-LAN-102 rev D 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 substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season

with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: The landscape proposals are integral to the amenity of the development and the provision of visual mitigation.

16 Unless otherwise agreed in writing with the Local Planning Authority, the hereby approved development shall contain no more than 696 square metres of office space in use class B1(a) of the Town and Country Planning (Use Classes Order) 1987 (as amended).

Reason: To ensure the approved uses of the building are suitable for the location and to accord with Policies EC1 and SS21 of the 2018 Publication Draft Local Plan and the National Planning Policy Framework.

## **7.0 INFORMATIVES: Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (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:

Revised plans following comments by the Landscape Architect and Highways Officer.

### **2. INFORMATIVE:**

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general  
Application Reference Number: 18/02839/FULM      Item No: 4c

recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

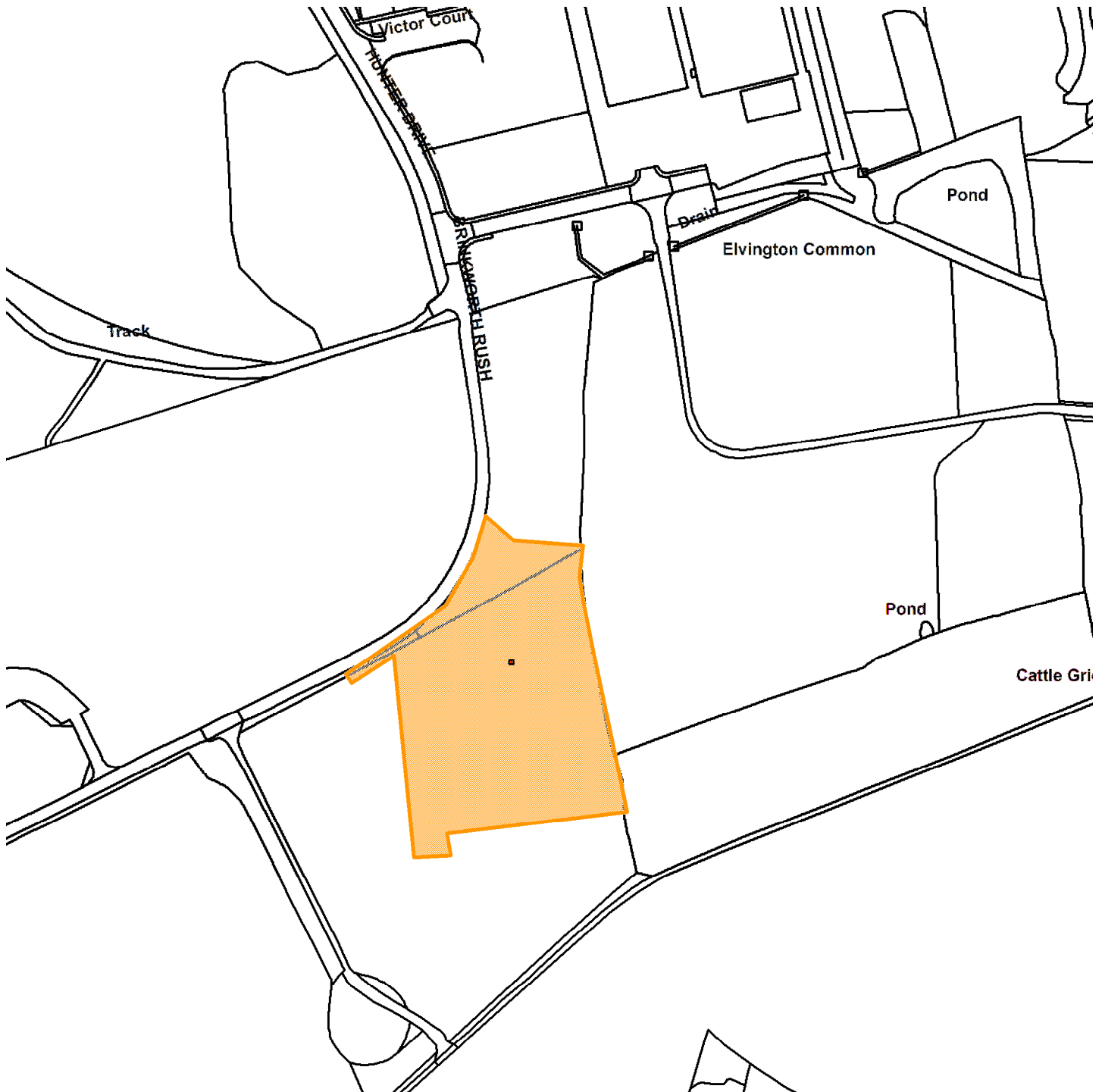
**Contact details:**

**Author:** Tim Goodall Development Management Officer

**Tel No:** 01904 551103

18/02839/FULM

Land Lying To The South Of Elvington Airfield Network Elvington



Scale : 1:2727

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	03 June 2019
<b>SLA Number</b>	Not Set

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**Area Planning Sub Committee                      6 June 2019**

**Planning Committee                                      13 June 2019**

**Appeals Performance and Decision Summaries**

**Summary**

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2019, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

**Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
- 3 The tables below include all types of appeals such as those against the refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate for the quarter 1 January to 31 March 2019 and the corresponding quarter for 2018, Table 2 shows performance for the 12 months 1 April 2018 to 31 March 2019 and the corresponding period 2017/2018.

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/01/19 to 31/03/19(Last Quarter)</b>	<b>01/01/18 to 31/03/18 (Corresponding Quarter)</b>
Allowed	7*	3
Part Allowed	0	0
Dismissed	14	18
Total Decided	21	21
<b>% Allowed</b>	<b>33%</b>	<b>14%</b>
% Part Allowed	-	

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/04/18 to 31/03/19 (Last 12 months)</b>	<b>01/04/17 to 31/03/18 (Corresponding 12 month period)</b>
Allowed	18*	12
Part Allowed	0	1
Dismissed	50	39
Total Decided	68	52
<b>% Allowed</b>	<b>26%</b>	<b>17%</b>
% Part Allowed	-	7%

### Analysis

- 4 Table 1 shows that between 1 January and 31 March 2019, a total of 21 appeals were determined by the Planning Inspectorate. Of those, 7 were allowed (33%). \*Members will note that 2 appeals relating to no.7 Peckitt Street and 6 and 7 Tower Street were allowed by the Inspector issuing a split decision to exclude the rear extension ( which the LPA had objected to ). There was one appeal relating to the refusal of a “major” development during this reporting period – Proposed self-storage facility, Water Lane, York; this appeal was allowed. By comparison, for the same period 2018, out of 21 appeals 3 were allowed (14%). Using the assessment criteria set out in paragraph 2 above, 1.3% of the total decisions made in the quarter 1 January – 31 March 2019 were overturned at appeal (split decisions are not counted against the authority for the assessment criteria ).
- 5 For the 12 months between 1 April 2018 and 31 March 2019, 26% of appeals decided were allowed, which is below the national figure for 2017/18 of 32% of appeals allowed, but above the corresponding 2017/2018 12 month figure. Using the assessment criteria set out in

paragraph 2 above, 1% of the total decisions made in the 12 month period were overturned at appeal.

- 6 The summaries of appeals determined between 1 January and 31 March 2019 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was determined following a decision to refuse permission made by the sub-committee/committee.

**Table 3: Appeals Decided 01/01/2019 to 31/03/2019 following Refusal by Committee / Sub-Committee**

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
17/03004 /FULM	Water Lane, York	Proposed Self Storage Facility	Approve	Allowed
17/00342 /FUL	Whinney Hills, Appleton Road	Siting of 2 static caravans	Refuse	Dismissed
18/00051 /FUL & 18/00052 /LBC	Fishergate School, Fishergate	Two storey extension to outbuilding	Refuse	Dismissed

- 7 The list of current appeals is attached at Annex B. There are 29 planning appeals lodged with the Planning Inspectorate.
- 8 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with the NPPF and Draft Local Plan Policy.
  - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine.
  - iii) Scrutiny is afforded to appeal evidence to ensure arguments are well documented, researched and argued.
  - iv) Appeal decisions are reviewed and discussed within the team and with senior officers.

## Consultation

- 9 This is an information report for Members and therefore no consultation has taken place regarding its content.

### **Council Plan**

- 10 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

### **Implications**

- 11 Financial – There are no financial implications directly arising from the report.
- 12 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

- 15 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

### **Recommendation**

- 16 That Members note the content of this report.

### **Reason**

- 17 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

### **Contact Details**

#### **Author:**

Gareth Arnold  
Development Manager,  
Directorate of Economy  
and Place

#### **Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director (Planning and Public  
Protection)

Report  
Approved



Date 28.05.2019

Specialist Implications Officer(s) None.

Wards Affected:

All  Y

For further information please contact the author of the report.

**Annexes**

**Annex A – Summaries of Appeals Determined between 1 January  
and 31 March 2019**

**Annex B – Outstanding Appeals at 28 May 2019**

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## Appeal Summaries for Cases Determined 01/01/2019 to 31/03/2019

**Application No:** 17/00342/FUL  
**Appeal by:** Mr And Mrs Clarke  
**Proposal:** Creation of new access, excavation of pond and siting of 2no. static caravans (part retrospective)  
**Site:** Whinney Hills Appleton Road Acaster Malbis York  
**Decision Level:** COMP  
**Outcome:** DISMIS

The appeal related to the construction of a new access, the excavation of a pond and the siting of two static caravans on an isolated site to the west of Acater Malbis. The site is within the Green Belt. The Inspector concluded that the caravans and long length of driveway would harm the openness of the Green Belt, and would constitute a form of encroachment into the countryside that would conflict with the objectives of the Green Belt. Although the pond was not inappropriate, the caravans and associated domestic paraphernalia would have an urbanising effect that would erode the rural character of the area. The new access would have an adverse visual effect through the removal of the hedge and roadside vegetation. In addition, the site was not a suitable location for housing due to its unsustainable location, and the benefits to tourism and site security do not outweigh the harm. The appeal was dismissed.

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**Application No:** 17/01406/ADV  
**Appeal by:** Mr Jeremy Cassel  
**Proposal:** Display of 1no. externally illuminated forecourt sign adjacent to front elevation, 1no. internally illuminated menu board attached to front railings and 1no. externally illuminated wall mounted sign to front basement light well.  
**Site:** Grange Hotel1 CliftonYorkYO30 6AA  
**Decision Level:** DEL  
**Outcome:** ALLOW

The proposals relate to one externally illuminated forecourt sign located adjacent to the front elevation of the Grange Hotel, 1 Clifton, York. The original advertisement consent application included an illuminated menu board attached to the front railings and an externally illuminated wall mounted sign to the front basement light well that were granted consent, whilst the proposed externally illuminated forecourt sign, that is the subject of the appeal, was refused consent. The main issue is the effect of the proposed advertisement on amenity, with particular regard to its location within the setting the Grange Hotel, a grade II listed building, and whether it would preserve or enhance the character and appearance of Clifton Conservation Area. The advertisement would be displayed in the small forecourt of the hotel, adjacent to steps to the hotel's basement restaurant which the proposed signage would advertise. The sign would be comprised of a free standing aluminium tray sign supported by posts, with a matt dark grey coloured powder coated finish, or white screen printed letters and external illumination by means of a trough light at the head of the sign. The Inspector considered that although the sign would be quite large, taking into account the scale of the hotel's facade and the horizontal slim line form of the sign, it would not be a dominant feature within the forecourt of the building. Furthermore, its contemporary materials, appearance and finish would sit comfortably behind the frontage iron railings and the low level external lighting would be discreet. The Inspector concluded that the sign would not appear incongruous within the forecourt of the historic building, would not have a harmful effect on its setting or the wider visual qualities or character of the street scene and would preserve the character and appearance of the conservation area. For these reasons, the appeal was allowed.

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**Application No:** 17/02156/FUL  
**Appeal by:** Debbie Terry  
**Proposal:** Change of use from solicitors (Use Class A2) to 1 no. townhouse and 5no. flats including two storey rear extension and internal alterations  
**Site:** Richardson And Co Ltd1 Peckitt StreetYorkYO1 9SF  
**Decision Level:** DEL  
**Outcome:** ALLOW

The proposals involve a part two storey and part single storey extension on the rear elevation of No. 7 Tower Street, change of use from offices to form 1 no. Townhouse and 5no. flats including internal alterations at 6 and 7 Tower Street and 1 Peckitt Street. The inspector agreed with the Councils objection relating to the single storey extension across the whole of the rear. The Inspector notes that whilst there were some evidence of a previous extension at the site visit, it is clear that a full width extension did not form part of the original property. The proposed extension would obscure the whole of the ground floor rear elevation and would result in the loss of an original C19th century window, resulting in a loss of integrity and would harm the character and appearance of the building, diminishing its significance. The Inspector noted that whilst the harm would be less than substantial, she was not persuaded that the extension was strictly necessary and the benefits cited by the appellant were not sufficient to outweigh the harm. The two storey part of the extension was considered acceptable in terms of its impact on the listed building. However it is not clearly distinguishable from the single storey part and the Inspector was unable to issue a split decision in this respect. In respect to the change of use and internal alterations, which related to all three buildings, the Inspector considers that due to the small scale of changes, only a very small degree of harm would occur and would be less than substantial, at the lower end of the spectrum. The Inspector considered that the heritage benefits cited by the appellant were significant public benefits which sufficiently outweigh the limited harm that would be caused by those works. Appeal A (Planning) and Appeal B (Listed Building) were allowed insofar as they relate to all works with the exception of the rear extension.

---

**Application No:** 17/02157/LBC  
**Appeal by:** Debbie Terry  
**Proposal:** Internal and external alterations including two storey rear extension to facilitate change of use from solicitors (Class A2) to 1no. townhouse and 5no. flats at 6 and 7 Tower Street and 1 Peckitt Street  
**Site:** Richardson And Co Ltd1 Peckitt StreetYorkYO1 9SF  
**Decision Level:** DEL  
**Outcome:** ALLOW

The proposals involve a part two storey and part single storey extension on the rear elevation of No. 7 Tower Street, change of use from offices to form 1no. Townhouse and 5no. flats including internal alterations at 6 and 7 Tower Street and 1 Peckitt Street. The inspector agreed with the Councils objection relating to the single storey extension across the whole of the rear. The Inspector notes that whilst there were some evidence of a previous extension at the site visit, it is clear that a full width extension did not form part of the original property. The proposed extension would obscure the whole of the ground floor rear elevation and would result in the loss of an original C19th century window, resulting in a loss of integrity and would harm the character and appearance of the building, diminishing its significance. The Inspector noted that whilst the harm would be less than substantial, she was not persuaded that the extension was strictly necessary and the benefits cited by the appellant were not sufficient to outweigh the harm. The two storey part of the extension was considered acceptable in terms of its impact on the listed building. However it is not clearly distinguishable from the single storey part and the Inspector was unable to issue a split decision in this respect. In respect to the change of use and internal alterations, which related to all three buildings, the Inspector considers that due to the small scale of changes, only a very small degree of harm would occur and would be less than substantial, at the lower end of the spectrum. The Inspector considered that the heritage benefits cited by the appellant were significant public benefits which sufficiently outweigh the limited harm that would be caused by those works. Appeal A (Planning) and Appeal B (Listed Building) were allowed insofar as they relate to all works with the exception of the rear extension.

---

**Application No:** 17/03004/FULM  
**Appeal by:** MJ McCarthy Holdings Ltd  
**Proposal:** Erection of self storage facility, with associated access and landscaping  
**Site:** Proposed Self Storage Facility Water Lane York  
**Decision Level:** COMM  
**Outcome:** ALLOW

The proposal relates to the partial re-development of the former Grain Stores site. Outline Planning Permission had been granted for a mixed use scheme including residential and Use Class B8 (storage use) on appeal ref:11/00860/OUTM. Planning permission was sought for a self storage unit within a section of the site set aside for employment uses within the original Outline Permission. Residential development and an approved care home lay directly to the south and west with the proposed storage unit approximately 10 metres from the gardens of the neighbouring properties and in excess of 20 metres from the houses themselves. Members considered that mitigation measures insufficient to address the impact of the proposal upon the residential amenity of neighbouring properties and permission was refused. The Inspector considered that the separation distances, combined with the proposed boundary fencing, landscaping and proposed green wall would ensure that there was no undue visual intrusion. He further considered that the hours of opening and the position of the vehicle access and building entrance meant that any noise would be within reasonable parameters.

---

**Application No:** 17/03057/LBC  
**Appeal by:** Mr & Mrs A Harle  
**Proposal:** Single storey rear extension following demolition of existing rear offshoot extensions, new enlarged basement opening to front elevation with lowered external ground level, new ventilation opening to rear roof slope and internal alterations (resubmission)  
**Site:** 126 The Mount York YO24 1AS  
**Decision Level:** DEL  
**Outcome:** ALLOW

The proposals relate to a single storey rear extension following the demolition of the existing rear offshoot plus external and internal alterations to the grade II listed building located in conservation area and within the setting of adjoining grade II listed buildings. The main issue is the effect of the proposals on the special architectural or historic interest of the listed building. One of two existing rear offshoots to the host mid terraced early Victorian house was proposed to be demolished and replaced with a larger extension that would wrap around the remaining north west rear offshoot. Other external works included lowering the ground level to the front and the insertion of an enlarged window opening to serve the front basement room. Internal works included the removal of internal partitions, the installation of boxing to conceal new pipe work, and mechanical ventilation to serve the bathrooms. In terms of the significance of the north east rear offshoot, the Inspector considered that the offshoot may have been original but has been modified significantly over time and that the alterations do not reflect the simplicity and regularity of the early Victorian architectural style. Consequently, the north west offshoot lacks coherence, its original architectural form is no longer legible and its value in enabling the house to be read is limited. The proposed replacement rear extension would be of a similar length, but would have a greater footprint and massing. Part of the rear elevation of the house and north west rear offshoot would be obscured. However, the extension would be of a simple design with contemporary finishes, would result in a more unified composition than existing and would not visually compete with the simplicity and regular proportions of the rear elevation of the host listed building. For these reasons, the Inspector concluded that the proposals would not harm the special interest of the listed building and the appeal was allowed.

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**Application No:** 18/00051/FUL  
**Appeal by:** Mrs L Calvert  
**Proposal:** Erection of two storey extension with single storey link to existing outbuilding together with formation of new openings at ground floor providing play area and first floor nursery accommodation  
**Site:** Fishergate Cp School Fishergate York YO10 4AF  
**Decision Level:** CMV  
**Outcome:** DISMIS

The application site relates to Fishergate School which is a Grade 2 Listed Building designed by WH Brierley for the York School Board in the last decade of the 19th Century. The School is within the Central Historic Core Conservation Area. The planning application related to a large outbuilding situated within the playground of the Fishergate school and adjacent to Escrick Street. The building is used independently of the main Fishergate School building, for a playgroup and as an out of school club. Planning permission was sought for a two and single storey side extension to this building. Permission was refused on the grounds that the design, form and mass of the proposed development would fail to adopt the architectural detail of the host building, and the design of the double ridge with intervening flat roof would be uncomfortable and did not reflect the elegant roof forms of the school. The Inspector agreed and stated the proposed design would be neither truly contemporary nor historically accurate in its approach and would not reflect the quality of detail, contemporary planning and technical innovation of the original buildings. The Inspector concluded the development would cause harm to the significance of the listed appeal building and the setting of the listed school building.

---

**Application No:** 18/00052/LBC  
**Appeal by:** Mrs L Calvert  
**Proposal:** Erection of two storey extension with single storey link to existing building together with formation of new openings at ground floor providing play area and first floor nursery accommodation  
**Site:** Fishergate Cp School Fishergate York YO10 4AF  
**Decision Level:** CMV  
**Outcome:** DISMIS

The application site relates to Fishergate School which is a Grade 2 Listed Building designed by WH Brierley for the York School Board in the last decade of the 19th Century. The School is within the Central Historic Core Conservation Area. The planning application related to a large outbuilding situated within the playground of the Fishergate school and adjacent to Escrick Street. The building is used independently of the main Fishergate School building, for a playgroup and as an out of school club. Planning permission was sought for a two and single storey side extension to this building. Permission was refused on the grounds that the design, form and mass of the proposed development would fail to adopt the architectural detail of the host building, and the design of the double ridge with intervening flat roof would be uncomfortable and did not reflect the elegant roof forms of the school. The Inspector agreed and stated the proposed design would be neither truly contemporary nor historically accurate in its approach and would not reflect the quality of detail, contemporary planning and technical innovation of the original buildings. The Inspector concluded the development would cause harm to the significance of the listed appeal building and the setting of the listed school building.

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**Application No:** 18/00442/FUL  
**Appeal by:** Mr Edward Appleton  
**Proposal:** Erection of 1 no. dwelling and double garage  
**Site:** 11 The Avenue Haxby York YO32 3EH  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was for the erection, within a residential back garden, of a 2 storey, 5 bedroom house, double garage and extension to a private drive. The site is part-way along a fairly uniform, suburban street of detached and semi-detached houses. The main issues were the impact on the character and appearance of the area and on the amenity of adjacent residents. The inspector did not consider that overlooking, overshadowing or noise and disturbance would be so unreasonable as to warrant dismissing the appeal. However, he found that the size of the dwelling was inappropriate in its context for the reasons given above and would be most acutely felt by its immediate neighbours for whom it would be inappropriately imposing and overbearing, to the detriment of their living conditions. The inspector concluded that the application would conflict with design advice in the NPPF, 2005 local plan and the emerging plan, without giving any explicit or obvious priority to any of them.

---

**Application No:** 18/00513/FUL  
**Appeal by:** Mr And Mrs West  
**Proposal:** Single storey rear extension to link house to existing detached garage and pitched roof over existing flat roof garage.  
**Site:** 12 Greystone Court Haxby York YO32 3FS  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site relates to a detached two storey dwelling located on the junction of Greystone Court and Ashwood Glade. This dwelling has been extended over two storeys to the side elevation and incorporates full width pitched roof single storey extension of modest proportions. There is a detached garage situated within the rear garden with access from Ashwood Glade. Planning permission was sought for an additional single storey rear extension to project approx 9 metres in length to link to the existing garage. The Council refused the application on the grounds that the enlargement would present a significant sized structure which would constitute a bulky, visually assertive addition to the property which would harm views across the rear elevations and gardens of these houses which are largely undeveloped and open, harming the spatial qualities, layout and character of the area. The Inspector agreed with the Council and concluded that the proposal would be harmful to the character and appearance of the area.

---

**Application No:** 18/00751/FUL  
**Appeal by:** Mrs Karen Hales  
**Proposal:** Variation of condition 2 (approved plans) of permitted application 17/02431/FUL to remove rear boundary wall  
**Site:** 21A Park Street York YO24 1BQ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The host property is a modern four storey semi-detached town house constructed around 1997. Proposals relate to the rebuilding of a rear boundary wall that was demolished to allow the construction of a rear extension to the property. The applicant argued that it was pointless to rebuild the wall and wanted to have the rear yard leading out onto the communal gravel parking area to the rear of the site. This would have unbalanced the pair of townhouses and could have led to an encroachment into the rear communal area. The inspector concluded that the wall was necessary to delineate the rear boundary and prevent encroachment.

---



**Application No:** 18/00756/FUL  
**Appeal by:** Stonegate Pub Company  
**Proposal:** Erection of a freestanding pergola structure and lean-to canopy structure, together with the installation of an externally mounted television and the relocation of an existing bin store gate within the pub yard/garden area  
**Site:** Keystones4 MonkgateYorkYO31 7PE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The proposals relate to a freestanding pergola structure and lean to canopy structure, the installation of an externally mounted television and the relocation of an existing bin store gate within the pub yard/garden area to the rear of Keystones public house, 4 Monkgate. The main issue is the effect of the proposals on the setting of the host grade II listed building, the setting of nearby listed buildings and the City Walls, a scheduled ancient monument, and the character and appearance of York Central Historic Core Conservation Area. In the former stable yard to the rear, there are several outbuildings which have retained their original form and character and contribute to the evidential and historic value of the site. The proposed pergola would be located to the rear of the public house, with the lean to canopy extension across most of the main elevation of the outbuilding, partially obscuring an original opening. The combined length of the structure would be in excess of 13 metres, being longer and disproportionate to the outbuilding. Two pool tables would be located under the pergola with heaters and festoon lighting mounted on the underside. A television would be mounted on the rear wall of the public house. The Inspector considered that the television and lighting would introduce uncompromisingly modern features into this historic yard and their illumination would emphasise the presence of the new structure. By reason of its size, position and detail the proposals would harm the significance of the host listed building. In elevated views from the City walls, the proposals would appear unduly disproportionate, would detract from the unspoilt form of the original buildings and character of the yard, the setting of the City Walls and Ice House adjacent and would significantly harm the character and appearance of the conservation area. The Inspector concluded that the proposals would be contrary to the Framework as a whole. Both appeals were dismissed.

---

**Application No:** 18/00757/LBC  
**Appeal by:** Stonegate Pub Company  
**Proposal:** External works including erection of a freestanding pergola structure and lean-to canopy structure, together with the installation of an externally mounted television and the relocation of an existing bin store gate within the pub yard/garden area  
**Site:** Keystones4 MonkgateYorkYO31 7PE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The proposals relate to a freestanding pergola structure and lean to canopy structure, the installation of an externally mounted television and the relocation of an existing bin store gate within the pub yard/garden area to the rear of Keystones public house, 4 Monkgate. The main issue is the effect of the proposals on the setting of the host grade II listed building, the setting of nearby listed buildings and the City Walls, a scheduled ancient monument, and the character and appearance of York Central Historic Core Conservation Area. In the former stable yard to the rear, there are several outbuildings which have retained their original form and character and contribute to the evidential and historic value of the site. The proposed pergola would be located to the rear of the public house, with the lean to canopy extension across most of the main elevation of the outbuilding, partially obscuring an original opening. The combined length of the structure would be in excess of 13 metres, being longer and disproportionate to the outbuilding. Two pool tables would be located under the pergola with heaters and festoon lighting mounted on the underside. A television would be mounted on the rear wall of the public house. The Inspector considered that the television and lighting would introduce uncompromisingly modern features into this historic yard and their illumination would emphasise the presence of the new structure. By reason of its size, position and detail the proposals would harm the significance of the host listed building. In elevated views from the City walls, the proposals would appear unduly disproportionate, would detract from the unspoilt form of the original buildings and character of the yard, the setting of the City Walls and Ice House adjacent and would significantly harm the character and appearance of the conservation area. The Inspector concluded that the proposals would be contrary to the Framework as a whole. Both appeals were dismissed.

---

**Application No:** 18/00764/FUL  
**Appeal by:** Mr Chris Burton  
**Proposal:** Erection of 1 no. dwelling following demolition of existing warehouse  
**Site:** Carpet And Bed Centre Warehouse Acaster Lane Bishopthorpe York YO23 2SA  
**Decision Level:** DEL  
**Outcome:** DISMIS

The proposal relates to the re-development of the partially derelict warehouse development adjacent to the cycle track at Acaster Lane Bishopthorpe. The proposal envisaged the clearance of the existing site with the erection of a three bedroom dormer bungalow on the site. The site lies both within the York Green Belt and at the boundary of Flood Zones 2 and 3b) (the functional flood plain of the River Ouse). It was felt that the nature and extent of the proposal was not inappropriate within the Green Belt. The key issue was the extent of development within Flood Zone 3b) bearing in mind the highly vulnerable nature of the use. Previous proposals to re-develop the site were refused on flood risk grounds. The determining Inspector examined the proposal in strict accordance with the requirements of paragraphs 155-163 of the NPPF and the requirement to undertake a sequential assessment to establish that more suitable sites outside of areas of higher flood risk are not available. The Inspector felt that no evidence had been forthcoming that such an assessment had taken place and dismissed the appeal.

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**Application No:** 18/00865/FUL  
**Appeal by:** Mrs Suzy Shaw  
**Proposal:** Erection of 1 no. dwelling following demolition of existing two storey extension to side of existing dwelling  
**Site:** 23 Holly Bank Road York YO24 4DS  
**Decision Level:** DEL  
**Outcome:** ALLOW

The application property is a four bedroom end of terraced house. Two of the bedrooms are located in a flat roofed two storey extension attached to the side. It is located in a mid-density inner suburban residential area. The applicant proposed to demolish the extension and erect a significantly wider two storey pitched roof side extension. The extension would be a separate three bedroom dwelling. Although there was not an objection to the principle of creating a new dwelling it was considered that the width of the home was such that it would appear cramped beside the narrow entrance to the adjacent cul-de-sac and leave little space for vegetation that is a feature of the area. The development would also see most of the front garden hard surfaced. In respect to car parking it was considered that the combined two off-street car parking spaces to serve the existing and proposed home were inadequate taking account of the high pressure on on-street parking in the surrounding area. The Inspector allowed the appeal. In respect to the impact on the streetscene he made reference to the benefit of removing the flat roof extension and felt the proposal did reflect the local character. He considered that parking provision was appropriate taking account of the proposed cycle parking and because the site was within walking distance of the city centre and on bus routes.

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**Application No:** 18/01021/FUL  
**Appeal by:** Mrs Race  
**Proposal:** Erection of dwelling following the demolition of existing dwelling, garage and outbuildings.  
**Site:** Haggwood Farm Broad  
HighwayWheldrakeYorkYO19 6BE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The house to be replaced is a detached bungalow in a remote location in the Green Belt. The replacement house would have a similarly sized footprint but a 24% increase in above ground volume, a 40% increase in above-ground floor space PLUS a substantial basement with swimming pool. The main issue for the inspector was whether the house was materially larger than the house to be demolished, in which case it would be inappropriate development. He said the exercise is primarily an objective one and that the physical dimension of most relevance will depend on the circumstances of the particular case. It could be floorspace, footprint, volume, height, etc. He said the basement would be an integral part of the dwelling and should be included in the calculations. This would add considerably to the size of the new building, which would be materially larger than the existing building. Whilst permitted development rights would enable the existing building to be significantly enlarged the courts have established that they are not relevant for determining whether the building would be materially larger, as the test in the NPPF is that the new building is not materially larger than the one it replaces. The inspector said that the 25% increase in the House Extensions SPD was more relevant to the assessment of whether an extension would amount to a disproportionate addition, which is a different test to whether a replacement building would be materially larger. The increased massing to the upper parts of the building would give the building a more imposing scale and presence in the open landscape which would lead to a moderate loss of openness, contrary to the Green Belt purpose in the NPPF of safeguarding the countryside from encroachment. He concluded that the proposal was inappropriate development in the Green Belt for which there were no very special circumstances. He gave limited weight to the 2005 DCLP and the 2018 Draft Local Plan.

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**Application No:** 18/01031/FUL  
**Appeal by:** Mr Wayne Golder  
**Proposal:** Erection of garden shed to front (retrospective).  
**Site:** 1 Eastward Avenue York YO10 4LZ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application property is a detached, suburban dwelling, located on a corner plot. The appeal relates to a retrospective application for a large garden shed, sited in the front garden of the application property, adjacent to the front boundary hedge. The Inspector noted the strong, established building line and consistent set back from the highway, which contributes to a sense of uniformity within the street-scene. She considered the structure to be prominent, when viewed from various locations on Eastward Avenue and its location resulted in it being 'incongruous' within the street-scene and therefore harmed the character and appearance of Eastward Avenue. Although she gave limited weight to the relevant local plan policies (as at 26.03.2019) she did concur the proposal conflicted with Policies GP1 and D11.

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**Application No:** 18/01035/FUL  
**Appeal by:** Mr Paul Fotherby  
**Proposal:** Alterations to reduce size of rear dormer.  
**Site:** Kirk View 4 Church LaneHuntingtonYorkYO32 9RE  
**Decision Level:** DEL  
**Outcome:** ALLOW

This application was the third submission pertaining to a rear dormer at this detached bungalow. Planning permission had previously being refused retrospectively for a large box dormer on the rear roofslope due to its size and scale and impact on neighbour amenity through over-dominance, oppressiveness and loss of privacy. That refusal was not appealed, although the subsequently served enforcement notice to remove the dormer in-situ was. That appeal was dismissed. A second planning application for a reduced size dormer was also refused on the same grounds by the Council and was not appealed. This third application reduced the size of the dormer still further and altered the window arrangement so that the only windows facing the immediate neighbouring gardens were obscure glazed bathroom windows. The Council considered that this further reduction still did not overcome previous concerns and that due to the very close proximity of the dormer to the boundary with the nearest neighbours it would still present an overly large, dominant, looming and oppressive development that represented poor design and harmed amenity. However, the Inspector concluded that this third scheme did overcome previous objections in that it would occupy a significantly smaller proportion of the main roof space and would substantially relieve adjacent occupiers from the overbearing visual impact of the existing dormer and the larger of the two alternatives. A condition was imposed to ensure that the windows would be obscure glazed with opening limitations to avoid harmful overlooking. The appeal against the enforcement notice to remove the large dormer as built was dismissed, although the period of time to carry out the work to reduce the size of the dormer to that approved was extended from 2 months to 6 months.

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**Application No:** 18/01125/FUL  
**Appeal by:** Mr Steven Bennett  
**Proposal:** Two storey rear extension linking house to existing detached garage and increase in height of existing garage building including 2no. dormer windows to front.  
**Site:** Notre Abri Stockton Lane York YO32 9UB  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site relates to a modern detached dwelling with a detached garage located in a isolated position within a rural area outside any settlement limits and inside the green belt. The dwelling is a new house constructed following demolition of an earlier dwelling. The planning permission granted in 1997 was subject to a condition to remove permitted development rights. Planning permission was sought for a two storey rear extension to connect to the existing double detached garage. The proposal included two pitched roof dormer windows to the roof slope of the garage. The Council refused the application on the grounds that the enlargement would increase the size of the house by over 50% of the original house. This increase would make the extensions disproportionate to the original dwelling and harm openness of the Green Belt. The Inspector agreed the extension would be disproportionate to the dwelling and harm openness. The Inspector concluded the proposal to extend the height of the garage and connect it to the house by means of a large two storey extension would result the creation of a very large single block of development which would result in the appeal property drawing attention to itself as a prominent built feature in a largely rural and open landscape.

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**Application No:** 18/01361/FUL  
**Appeal by:** Mr & Mrs Smales  
**Proposal:** First floor side and single storey side and rear extensions.  
**Site:** 21 Vicarage Lane Naburn York YO19 4RS  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site relates to a is a two storey semi- detached dwelling located on Vicarage Lane within the village settlement limits of Naburn and part of the CYC Green Belt. Planning permission was sought for the construction of a first floor side and single storey side and rear extensions. The dwelling has been previously extended at two storey and single storey height on the rear elevation. The Council refused the application on the grounds that the proposed extension, when taken in conjunction with existing extensions to the property, would result in a disproportionate addition to the original dwelling, which would represent inappropriate development. In addition it was considered the additional massing would cumulatively create a significant extension to the original property which would harm the openness of the Green Belt. No very special circumstances have been identified that would outweigh this harm. The Inspector agreed the extension would be disproportionate to the dwelling and harm openness. The Inspector also noted that the first floor would erode the separation between the host dwelling and the neighbour ay 23 Vicarage Lane.

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**Application No:** 18/01628/FUL  
**Appeal by:** Mr And Mrs S McGerr  
**Proposal:** Single storey rear extension (resubmission 18/00649/FUL).  
**Site:** Avanti111 Temple Lane Copmanthorpe York YO23 3TE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The host dwelling is a two-storey dwelling within a large plot, lying within a ribbon style development of dwellings within the green belt. This proposal was for a single storey flat roof rear extension. Existing extensions to the dwelling were already disproportionate to the original dwelling, thus the application was refused on the grounds of inappropriate development within the green belt. The inspector agreed, and attached only limited weight to the appellants argument that a fall-back permitted development extension could be implemented.

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<b>Decision Level:</b>	<b>Outcome:</b>
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

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## Outstanding appeals

<b>Officer: Alison Stockdale</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
01/03/2019	19/00009/REF	APP/C2741/W/19/3221381	W	Land Fronting 18 Oak Tree Way Strensall York	Erection of 2no. bungalows (resubmission)	
01/05/2019	19/00027/REF	APP/C2741/W/19/3226505	W	4 Hawthorne Mews Strensall York YO32 5RR	Extension of garden curtilage onto land at the rear (resubmission).	
<b>Officer: Brian Williams</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
16/01/2019	19/00008/TPO	APP/TPO/C2741/7188	H	5 Arndale Court 290 Tadcaster Road York YO24	Fell Silver Birch protected by Tree Preservation Order No. CYC291	
<b>Officer: Carolyn Howarth</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension	
<b>Officer: David Johnson</b>						<b>Total number of appeals: 4</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
08/04/2019	19/00023/REF	APP/C2741/D/19/3222265	H	74 Alma Terrace York YO10 4DJ	Extension above existing two storey rear extension to create a third storey, dormer window to rear and single storey rear extension.	
19/03/2019	19/00013/REF	APP/C2741/D/19/3221617	W	58 Heslington Lane York YO10 4NA	Hip to gable roof extension, two storey side and rear extension, single storey rear extension, dormer to rear and detached bin and bike store to rear in association with use of property as an HMO.	
21/03/2019	19/00019/REF	APP/C2741/Y/19/3220972	W	Blacks 2 St Helens Square York YO1 8QP	Reinstatement of original entrance doors and insertion of glazed entrance screen	
13/03/2019	19/00012/REF	APP/C2741/W/19/3221614	W	50 Heslington Lane York YO10 4NA	Hip to gable roof extension, two storey side and rear extension, single storey rear extension, dormer to rear and detached bin and bike store to rear in association with use of property as an HMO.	

<b>Officer: David Johnson</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
16/04/2019	19/00031/REF	APP/C2741/W/19/3226870	W	41 Deramore Drive York YO10 5HL	Use of house as a large 7 bed HMO (Sui Generis) with detached bike and bin store to rear.	
<b>Officer: Erik Matthews</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
22/02/2019	19/00025/REF	APP/C2741/W/19/3223376	P	Land At Grid Reference 458205 449925 West Of	Erection of poultry farm comprising 3 no poultry sheds with ancillary buildings, access road and landscaped embankments (resubmission)	
<b>Officer: Elizabeth Potter</b>					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
10/04/2019	19/00024/NON	APP/C2741/W/19/3225368	W	66 Grantham Drive York YO26 4TZ	First floor side and rear extensions (resubmission).	
19/04/2018	18/00023/REF	APP/C2741/D/18/3200306	H	30 Southfield Close Rufforth York YO23 3RE	Variation of condition 2 of permitted application 16/01635/FUL to part render front elevation.	
<b>Officer: Faith Chingono</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
16/03/2019	19/00029/REF	APP/C2741/D/19/3224853	H	9 Celtic Close York YO26 5QJ	Erection of 1.8m high boundary fence to side and rear boundaries (retrospective).	
<b>Officer: Jonathan Kenyon</b>					<b>Total number of appeals:</b>	<b>3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
12/04/2019	19/00030/REF	APP/C2741/W/19/3226691	W	Yh Training Services Ltd York House 15 Clifford	Erection of 2no. roof dormers on the Friargate elevation.	
25/04/2019	19/00032/NON	APP/C2741/W/19/3227359	P	Former Civil Service Club And Agricultural Land To	Residential development of 266 dwellings with associated access, public open space, landscaping and infrastructure	
12/03/2019	19/00011/REF	APP/C2741/W/19/3222812	W	Spark York Piccadilly York YO1 9PB	Variation of conditions 1 and 3 of permitted application 17/00274/FUL to amend approved plans to omit timber cladding from containers and for external artwork and vinyl lettering	

<b>Officer: Lindsay Jenkins</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
01/04/2019	19/00020/REF	APP/C2741/D/19/3224801	H	58 Middlecroft Drive Strensall York YO32 5UP	First floor rear extension (resubmission)	
<b>Officer: Neil Massey</b>					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
18/04/2019	19/00026/REF	APP/C2741/W/18/3213654	W	The Jubilee Balfour Street York YO26 4YU	Conversion of first and second floor of public house building to 4no. self-contained apartments and retention of reduced size public house on part of the ground floor.	
05/04/2019	19/00022/REF	APP/C2741/X/18/3217786	W	Aspen House 61 The Village Stockton On The Forest	Certificate of lawfulness for use of land as residential garden	
<b>Officer: Paul Edwards</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
19/03/2019	19/00014/REF	APP/C2741/D/19/3221948	H	30 Harden Close York YO30 4WE	Dormer window to rear.	
<b>Officer: Rob Harrison</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
20/01/2019	19/00021/EN	APP/C2741/C/19/3220808	W	Three Little Birds (York) Llp 8 The Crescent York YO24	Appeal against Enforcement Notice dated 11 December 2018	
<b>Officer: Rachel Tyas</b>					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
20/03/2019	19/00016/REF	APP/C2741/W/19/3220541	W	Bartizan House Lord Mayors Walk York	Change of use of ground floor from retail (use class A1) to 3no. letting bedrooms and the application of self adhesive window film to ground floor windows. (Resubmission - 18/00791/FUL).	
20/03/2019	19/00017/REF	APP/C2741/Y/19/3220543	W	Bartizan House Lord Mayors Walk York	Internal and external alterations associated with the change of use of ground floor from retail (use class A1) to 3no. letting bedrooms. (Resubmission - 18/00792/LBC)	

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**Officer: Sandra Duffill** **Total number of appeals: 4**

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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
12/03/2019	19/00034/REF	APP/C2741/D/19/3224523	H	1 Church View The Green Skelton York YO30 1XU	Two storey and single storey rear extension and canopy extension to front.
13/02/2019	19/00003/NON	APP/C2741/W/19/3220411	W	Park Cottage Askham Park Jacksons Walk Askham	Erection of stable block.
21/03/2019	19/00018/REF	APP/C2741/Y/19/3223063	W	Kafeneion 39 Goodramgate York YO1 7LS	Alterations to shopfront including 3no. swan neck lights (retrospective)
13/02/2019	19/00004/NON	APP/C2741/W/19/3220409	W	Park Cottage Askham Park Jacksons Walk Askham	Erection of stable block, formation of menage and new access track.

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**Officer: Sam Baker** **Total number of appeals: 1**

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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
29/04/2019	19/00033/REF	APP/C2741/D/19/3227649	H	5 Hull Road Kexby York YO41 5LA	Two storey side extension and two storey and single storey rear extensions after demolition of existing single storey outbuilding.

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**Officer: Sophie Prendergast** **Total number of appeals: 1**

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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
23/04/2019	19/00028/REF	APP/C2741/W/19/3227158	W	Pizza Kebab House York Limited 3 Matmer House	Variation of condition 3 of permitted application 04/01687/FUL to extend opening hours to 0800 hours to 0400 hours on the following day on each day of operation

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**Total number of appeals: 29**

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