



Notice of a public meeting of

Planning Committee B

- To:** Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
- Date:** Wednesday, 17 January 2024
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

- 1. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]
- 2. Minutes** (Pages 3 - 22)
To approve and sign the minutes of the last Planning Committee B meetings held on 15 November and 12 December 2023.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Monday, 15 January 2024.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

- a) **100 Main Street Fulford York YO10 4PS** (Pages 23 - 62)
[23/01234/FUL]

Conversion of Nos. 100-102 to provide 4no. dwellings with external alterations and extensions. Erection of 1 no. dwelling to the rear and parking. (resubmission). [Fulford and Heslington Ward]

- b) Fulford Flood Alleviation Scheme, Pt Fulford Ings And Pt Playing Fields, Selby Road, York [23/00283/FUL]** (Pages 63 - 130)

Flood alleviation scheme comprising a pumping station and associated inlet structure, control kiosk, access track and parking area; culvert under Selby Road; outfall structure and floodwall alignment and penstock across Germany Beck; two earth flood embankments, and a temporary construction compound and tree works within the Fulford Conservation Area. [Fulford and Heslington Ward]

- c) Tramways Club, 1 Mill Street, York, YO1 9PY [21/01045/FULM]** (Pages 131 - 180)

Erection of residential building to form 35no. apartments with associated landscaping and public realm improvements to adjacent Rest Gardens following demolition of former Tramways Club. [Guildhall Ward]

- d) Planning Appeal Performance and Decisions** (Pages 181 - 200)

This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 April and 30 June 2023.

5. Urgent Business

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

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@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

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	15 November 2023
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Clarke, Fenton, Melly, Orrell, Vassie, Warters and Crawshaw (Substitute for Cllr Baxter)
Apologies	Councillor Baxter
Officers Present	Gareth Arnold, Development Manager Steve Wragg, Flood Risk Manager Sandra Branigan, Senior Solicitor <u>Development Management Officers</u> Jonathan Kenyon, Principal Officer Natalie Ramadhin Erik Matthews Rachel Tyas

38. Declarations of Interest (4.33 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

In relation to item 4g (OS field 0040 Stamford Bridge Road, Dunnington), Cllr Warters noted that whilst he had called the item in, he did not consider himself to be predetermined.

Cllrs Melly and Clarke noted, in relation to items 4a and 4b (St Georges Field Car Park, York) that they were pre-determined and had registered to speak on the items in their capacity as Ward Councillors. They subsequently left the meeting after they had addressed the committee and took no part in the debate or decision making for those items.

Cllr Vassie noted that, in relation to items 4c and 4d (St Pauls Nursery School) a family member was employed by the nursery. He therefore left the meeting before the start of the items and took no part in the debate or decision making for those items.

39. Minutes (4.34 pm)

Resolved: That the minutes of the last meeting held on 10 October 2023 were approved as a correct record.

40. Public Participation (4.34 pm)

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

At the discretion of the Chair, Cllr K Ravillious, Ward Councillor for Fulford and Heslington Ward, spoke via Zoom on items 4a and 4b (St Georges Field Car Park), where she noted her concerns regarding the level of engagement between residents of Peckitt Street and the Environment Agency. She also questioned some inconsistencies in the assessment of existing flood protection measures.

Cllr Ravillious also spoke in objection to item 4f (47 Heslington Lane), and raised concerns relating to the impact on the conservation area, the impact on neighbour amenity and questioned whether the development met the sustainable development objectives of the National Planning Policy Framework.

41. Plans List (4.39 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**42. St Georges Field Car Park, Tower Street, York
[22/02613/FUL] (4.39 pm)**

[Cllrs Melly and Clarke stepped off the Committee for the consideration of Items 4a and 4b.]

Members considered a full application by the Environment Agency for flood mitigation measures within St Georges Field Car Park and Tower Street to include a new flood defence wall from car park to tie into abutment wall of Skeldergate Bridge, the strengthening of the abutment walls of the bridge, the raising and strengthening of existing walls attached to the pumping

station, the raising of the access ramp into the car park and the installation of support post to bridge masonry wall to enable deployment of temporary flood barrier across Tower Street.

The Principal Officer Development Management gave a presentation on the plans and the Development Management Officer provided an update to Members which summarised four further representations received in objection to the application and changes to conditions 9 and 13. These did not affect the officer recommendation contained within the report.

In response to Members' questions on the plans, officers clarified the pedestrian access and confirmed that the pavement was to be retained and there were no plans to improve the pedestrian route from the car park.

Public Access

Tim Mudd, a resident, spoke in objection to the application. He raised concerns regarding the listed buildings that could be affected and the lack of consultation from the Environment Agency (EA). He requested deferral of the application to allow for further modelling.

He confirmed, in response to questions from Members, that on the wet side of the barrier, approximately forty properties could be affected.

John Dench, a resident, spoke in objection to the application. He raised concerns regarding a lack of information from the EA on water levels in the Peckitt Street area.

Cllrs Melly and Clarke, Guildhall Ward Cllrs spoke in objection to the application. They questioned the location of the proposed barrier and highlighted that around fifty homes were on the wet side of the barrier, many of which were listed. They felt that properties were less likely to be protected in the future with water levels expected to be deeper and to last longer.

In response to questions from Members they reported that the height of the barrier would be reduced, improvements to the wall would not be undertaken, public meetings had been held at short notice and ground water levels had not been considered.

Mark Fuller represented the Environment Agency and spoke in support of the application. He explained that the scheme would reduce the flood risk for 1600 homes and would not increase river levels, the barrier at Tower Street was more robust, and quicker and safer to deploy than the current

arrangement. Modelling showed it would have no impact on drainage or ground water.

He responded to questions from Members and reported that their modelling showed no increase in the risk of flooding to properties. There was not a viable cost benefit scheme for an accessible pedestrian ramp to exit the car park, due to the build costs, loss of parking spaces and the loss of flood storage. On the demountable barrier, he confirmed that sandbags had been deployed in 2000 but had not been used in 2015 or 2018.

The council's Flood Risk Manager responded to further questions from Members. He reported that the wet side was a complex area in terms of how it flooded. The EA had modelled fluvial flow and not ground/surface water levels. The officer agreed with the EA, that the modelling showed the new scheme did not worsen the existing flood risk.

Officers also reported that they had examined why betterment of the pedestrian access could not be achieved but these were not considered grounds for refusal. The senior solicitor advised that under the council's equality duty, due regard was required but not duty to outcome.

Following debate, Cllr Fenton proposed the officer recommendation to approve the application. This was seconded by Cllr Burton. With Members voting 2 in favour and 5 against, this motion fell and was not approved.

Cllr Vassie proposed a motion to defer the item, so that the committee could receive more data modelling on the level of flood risk and to assess if an accessible ramp from the car park could be achieved. This was seconded by Cllr Warters and on being put to a vote, there were six votes in favour and one abstention, it was therefore:

Resolved: That the application be deferred.

Reason: To ensure that the following information be provided:

- i. Further modelling work to satisfaction of LPA and LLFA on the flood impact of the Tower Street barrier on Peckitt Street and surrounding properties
- ii. Clearer drawings of the proposals
- iii. More information on how the St Georges Field access ramp could be made accessible

**43. St Georges Field Car Park, Tower Street, York
[22/02491/LBC] (4.39 pm)**

Due to the outcome of the application for item 4a, Officers requested a deferral of item 4b, the application for Listed Building Consent at St Georges Field Car Park.

Cllr Vassie therefore proposed that the item be deferred and this was seconded by Cllr Crawshaw. Following a unanimous vote in favour it was:

Resolved: That the application be deferred.

Reason: The benefits brought by the application at item 4a no longer applied.

**44. St Pauls Nursery School, 12 St Pauls Square, York, YO24
4BD [23/01114/GRG3] (6.23 pm)**

[Cllr Vassie left the meeting prior to the start of this item and took no part in the debate or decision for items 4c or 4d.]

Members considered a general regulations (Reg3) application by City of York Council for the erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building.

The Development Manager gave a presentation on the plans and clarified the plans in relation to the listed building consent application and the access for construction traffic. An update was provided by the Development Management Officer which outlined additional representations received from York Civic Trust and Cllr Jenny Kent. These did not change the officer recommendation as per the report.

In response to questions from Members, it was reported that it was not considered reasonable to condition construction traffic.

Public Speaker

Maxine Squire, the Assistant Director for Education and Skills, spoke in support of the application on behalf of the applicant. She explained the role of Local Authority maintained nursery school and stated that the annex was no longer fit for purpose.

In response to questions from Members, she stated that the proposed annex would look better, and would deliver a cost effective alternative while minimising delay and disruption to the nursery.

Officers noted that condition 9 was no longer required due to changes in building regulations. As the building was listed, all proposals required consent.

Following a brief debate, Cllr Crawshaw proposed the officer recommendation to approve the application, subject to the deletion of condition 9, for the reasons stated above. This was seconded by Cllr Fenton. On being put to a vote, with six voting in favour and with one abstention it was:

Resolved: That the application be approved, subject to the deletion of condition 9.

Reason: The proposal seeks permission for the erection of a replacement extension to provide a specialist teaching facility for younger children with autism when there is a significant lack of such specialist provision within the City as a whole. Considerable importance and weight are given to the identified harms to the designated heritage assets. However, there are significant public benefits arising from the proposal including the demolition of the existing building which is a notable detractor to the visual appearance of the wider area and more notably the provision of up-to-date provision for pupils with autism not available elsewhere. It is considered that the less than substantial harm to the character and appearance of the Conservation Area and to the setting of the host Listed Building caused by the proposal are outweighed by the public benefits. At the same time, it is felt that the short-term harms caused by the construction process may be effectively managed. In the planning balance the proposal is felt to be acceptable, and approval is recommended.

In conjunction with Item 4c, above, Members considered a general a listed building consent application by City of York Council for the erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building.

Cllr Crawshaw proposed the officer recommendation to approve the application and this was seconded by Cllr Fenton. On being put to a vote, Members voted six in favour and one abstention, it was therefore:

Resolved: That the application be approved.

Reason: The proposal envisages the replacement of the existing side extension with a purpose-built extension using a more modern idiom to provide purpose-built provision for pupils with autism. The design has been amended since submission to address Conservation concerns. At the same time, it is proposed to construct fire escape provision from the upper floor kitchen and pupil dining area into the rear play area to enable the site to comply with modern safety standards. It is felt that the proposal would give rise to less than substantial harm to the significance of the Listed Building but that that harm would be balanced by the public benefit of the provision of purpose-built provision for younger children with autism otherwise no available in the wider City together with the removal of the existing detractor building. Having special regard to the desirability of preserving listed buildings and their setting in line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and giving considerable importance and weight to the identified harm, it is considered that the proposal would have an acceptable effect on this designated heritage asset. Approval is therefore recommended.

[7.08 pm Cllr Vassie rejoined the meeting.]

**46. 69 Kirkcroft, Wigginton, York, YO32 2GH [23/01501/FUL]
(7.09 pm)**

Members considered a full application by Tony Speck for the conversion of double garage to habitable space, garage to side elevation and gate to front (resubmission).

The Development Manager provided and a presentation on the plans and in response to questions from Members reported the following:

- A householder application was not required to achieve a biodiversity net gain.
- There were no plans to change the dropped kerb.
- The planning permission for the boundary wall was granted at the same time as the garage extension.
- The applicant could appeal a condition.

Public Speaker

Cllr Cuthbertson, Ward Councillor spoke in support of the application. He stated that the ability to extend the property was limited due to the electricity substation at the rear of the property. He clarified the proximity to neighbouring properties and stated that there were a number of nearby houses that contributed to an incoherent street scene. He noted that there had been no objections from the parish council or neighbours.

In response to questions from Members, he stated that questions regarding landscaping would be best referred to the applicant.

Following debate, Cllr Crawshaw proposed the officer recommendation to refuse the application. This was seconded by the Chair. On being put to a vote and with two votes in favour, six against and one abstention, the motion fell.

After further debate, Cllr Warters proposed approval of the application, subject to standard conditions and landscaping to the front of the property to include a tree for the lifetime of the development. Authority to be delegated to officers to approve the subsequent plans. This was seconded by Cllr Orrell. Members voted unanimously in favour of the motion and it was:

Resolved: That the application be approved subject to the following conditions:

- TIME1
- Approved drawings and building materials

- Landscaping to frontage including a tree.

Reason: The proposed extension to the side of the dwelling is not felt to be contrary to draft Local Plan policy H11 and the council's householder design guide and is not considered detrimental on the street-scene.

47. 47 Heslington Lane, York, YO10 4HN [22/02108/FUL] (8.05 pm)

Members considered a full application by Susi Clark for the erection of two storey detached dwelling after demolition of existing bungalow and outbuildings, at the above location.

The Development Manager gave a presentation on the plans.

Public Speakers

Martin O'Neill, a close neighbour, spoke in objection to the application. He described the proposed building as visually overbearing and raised concerns regarding the increase to the original building's footprint, the loss of trees, lack of screening and car parking close to the boundary.

In response to questions from Members, he confirmed the location of the tree with a Tree Preservation Order (TPO) and also confirmed concerns regarding the impact of the proposed driveway on the tree roots of said tree roots.

Parish Cllr Mary Urmston spoke on behalf of Fulford Parish Council. She raised concerns regarding the impact on heritage trees and loss of amenity. She noted that the building was not subservient to the surroundings and would cause damage to the conservation area. She requested that permitted development rights be removed should the application be approved.

Officers responded to a number of questions from Members and it was reported that the plot was considered large enough to accommodate the scale of the development, further clarification of the boundaries was provided and condition 5.31 covered the like for like replacement of any trees that were to be removed.

Following debate, Cllr Fenton proposed the officer recommendation, subject to the removal of permitted development rights, a biodiversity

informative and for condition 5 to explicitly cover the tree with the TPO. This was seconded by Cllr Hollyer. On being put to a vote, with four Members voting in favour and five voting against, the motion fell.

Following further debate, Cllr Crawshaw proposed refusal of the application due to harm to the conservation area, in relation to the scale and massing of the building not subordinate, inappropriate materials. Loss of trees and erosion of the garden area, with the exact wording of refusal delegated to officers. This was seconded by Cllr Orrell. This motion was put to a vote and with five votes in favour, three against and one abstention, it was:

Resolved: That the application be refused.

Reason: Due to the harm to the Conservation Area as outlined above.

**48. OS Field 0040 Stamford Bridge Road Dunnington York
[22/01683/FUL] (9.12 pm)**

Members considered a full application by Mr John Hooton for the erection of a general purpose agricultural building.

The Development Manager gave a presentation of the plans and in response to questions from Members noted that there had been no objections received from Dunnington Parish Council.

Public Speaker

John Pollitt spoke in support of the application on behalf of the applicant and explained that the intention was use the land for a smallholding.

In response to questions from Members, it was confirmed that the building would be used to secure farm machinery.

During the debate, Members requested an amendment to condition 3 to include the development, rather than the building.

Cllr Crawshaw proposed the officer recommendation to approve the application subject to the proposed amendment outlined above. This was seconded by Cllr Orrell. On being put to a vote, with eight in favour and one abstention, it was:

Resolved: That the application be approved, subject to the amendment of condition 3 to refer to the 'development' not the 'building'.

Reason: The application site is located within the general extent of the York Green Belt and serves a Green Belt purpose. The proposal is not considered to further impact on openness and the purpose of including land in the Green Belt and proposed development is considered to fall within exception at NPPF paragraph 149 (a) and 150 (b).

Subject to conditions the development would accord with the NPPF and the Draft Local Plan 2018. It is considered that the proposal complies with the overall objectives of national and local planning policy.

Cllr B Burton, Chair

[The meeting started at 4.30 pm and finished at 9.32 pm].

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Meeting	Planning Committee B
Date	12 December 2023
Present	Councillors Hollyer (Vice-Chair, in the Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
Apologies	Councillor B Burton
Officers Present	Gareth Arnold, Development Manager Jonathan Kenyon, Principal Officer, Development Management Ruhina Choudhury, Senior Solicitor

The Chair had sent his apologies and the meeting was chaired by Vice-Chair, Cllr Hollyer. Cllr Fenton proposed Cllr Orrell as Vice-Chair, this was seconded by Cllr Clarke; Cllr Orrell was unanimously elected as Vice-Chair for the meeting.

49. Declarations of Interest (4.33 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Melly declared that she was pre-determined for item 3b (Castle Howard Ox) and had registered to speak in her capacity as Ward Councillor. She therefore withdrew from the meeting during the consideration of that item and took no part in the decision making.

Cllr Clarke noted that he was the Ward Councillor for item 3b but was not pre-determined in the matter.

In relation to item 3d (25 Orchard Paddock, Haxby), Cllrs Orrell and Fenton noted a personal, non-prejudicial interest in that the applicant was a fellow councillor. Cllr Hollyer declared that, as the applicant was a Ward colleague, he would withdraw from the meeting for the duration of the item and take no part in the decision.

50. Public Participation (4.34 pm)

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

51. Plans List (4.34 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

52. Fulford Flood Alleviation Scheme, Pt Fulford Ings And Pt Playing Fields, Selby Road, York [23/00283/FUL] (4.34 pm)

The Development Manager requested a deferral for this item due to the applicant being unavailable due to illness.

Cllr Hollyer proposed the Development Manager's recommendation to defer the item and this was seconded by Cllr Melly. Members voted unanimously in favour of the motion.

Resolved: That the item be deferred.

Reason: To allow the applicant to attend the meeting.

53. Castle Howard Ox, Townend Street, York, YO31 7QA [23/00123/FUL] (4.36 pm)

Members considered an application by Alastair Cliffe for the conversion of existing building to 16no. student studio apartments with two storey extension to the side/east elevation, first and second storey extension to the rear/north elevation, and single storey rear/north extension following the demolition of the single storey projections.

The Development Manager gave a presentation on the application and explained the plans.

[4.38 pm Cllr Vassie joined the meeting. He did not take part in the discussion or decision making for this item.]

Public Speakers

Cllr Melly, Ward Councillor, spoke in objection to the application. She urged refusal due to the loss of a community asset and inadequate marketing. She raised concerns regarding the harm to the building, an unsuitable design and noted that the plans did not comply with planning policy with regard to refuse collection and drop off/collection space.

Emma Lancaster spoke on behalf of the applicant. She first requested a deferral so that the applicant had time to address the comments raised in the officer report. She stated that independent advice had not been sought by CYC regarding the marketing and valuation of the property. She noted that the site had not been in use since 2017 and the proposal would provide a similar level of employment as a pub or similar community venue. Student accommodation would offer significant public benefit and should be given positive weight in the planning balance.

In response to questions from Members she reported that cleaners, management staff and security would be employed as part of the student management plan. Space was set aside for refuse collection and details would be included in the operational management plan. They had not undertaken any community engagement. They had carried out a theoretical appraisal based on red book values; it also reflected the holding costs incurred. The marketing issue had not been addressed as the agent had not been made aware of concerns.

Officers responded to further questions from Members and reported the following:

- The applicant must demonstrate that the building could no longer serve the community function, through meeting need or financial viability, and there should be no market interest. The price set needed to be justified and the agent needed to evidence that the property had been marketed appropriately.
- Members of the public reported that offers had been turned down. There was nothing to suggest that the applicant's outlay could reasonably lead to a £600k valuation.
- Biodiversity issues and refuse collection could be covered by planning conditions.
- The main concern was the lack of marketing for the premises to be sold at a reasonable price to be run as a pub.

Following debate, Cllr Warters moved the officer recommendation to refuse the application. This was seconded by Cllr Fenton. Members voted unanimously in favour of the motion and it was:

Resolved: That the application be refused.

Reason: The proposed development is considered to be within a sustainable location. In assessment of Heritage Assets, the scheme would preserve the setting of the Conservation Area, and the setting of listed buildings within it, in addition the proposal would be of appropriate scale, form and materials and is not considered to result in harm or loss of an undesignated heritage asset. Impacts on archaeology are considered to be acceptable and can be mitigated by planning condition. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

The presumption in favour of sustainable development, as set out in NPPF paragraph 11 therefore applies. There is evident demand for purpose built student accommodation and the NPPF requires planning decisions give “substantial weight” to the value of using suitable brownfield land within settlements for housing (which includes student accommodation).

Paragraph 93 of the NPPF sets out, among other things, that planning decisions should guard against the unnecessary loss of valued community facilities (including pubs), particularly where this would reduce the community’s ability to meet its day to day needs. This stance is echoed by policy HW1 (Protecting Existing Facilities) of the Draft Local Plan (2018). The NPPF at paragraph 38 states that the LPA should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 81). This stance is echoed by policy EC2 (Loss of Employment Land) of the Draft Local Plan (2018). It is not considered that the site has been reasonably

marketed and as such there is insufficient evidence to demonstrate that the facilities no longer serve a community function and demonstrably cannot be adapted to meet other community needs or are surplus to requirements; neither has it been sufficiently demonstrated that the facilities are no longer financially viable with no market interest.

[5.12 pm, Cllr Melly re-joined the meeting.]

54. 126 Fulford Road, York, YO10 4BE [23/00798/FUL] (5.12 pm)

Members considered a full application by Stephen Hazell for the erection of 1no. attached dwelling to side.

The Development Manager gave a presentation on the plans and provided a written update to Committee which detailed a revised condition 5, for clarification purposes and an additional condition relating to the location and specification of works for the erection of the stone arch which stipulated that these should be submitted for written approval of the Local Planning Authority. The Development Manager recommended a further condition, not included in the written update, requiring a scheme for noise insulation measures to mitigate road noise.

The Development Manager provided further clarification on the plans regarding vehicle access for the rear parking at no. 126.

Public Speakers

Dorothy Knott, a neighbour, spoke to raise safety concerns relating to the size and positioning of the historic arch, the planned planting and the potential to block sightlines for traffic. She noted that there had been ongoing building work in the vicinity which had caused difficulties relating to skip and traffic management.

In response to questions from Members, she stated that bushes or low level planting would be preferable to trees in the planting scheme.

Stephen Hazell, the applicant, spoke in support of the application and opened by thanking both planning and conservation officers. He noted the concerns over the design that had been raised by residents and confirmed the planting scheme was to contain shrubs rather than trees. He stated that there were more than adequate sightlines for traffic. He also stated that he was flexible on the location of the arch.

Officers responded to further questions from Members and reported that Highways had not raised concerns regarding the location of the parking bays, sightlines were covered in condition 8.

Following debate, Cllr Warters moved the officer recommendation to approve the application, subject to the s106 agreement, and the tabled update which covered the amendment to condition 5 and included two additional conditions related to the stone arch and the noise insulation. The additional condition referring to the stone arch was amended to specifically exclude the location shown on the drawing. There was also an amendment to condition 7 to refer to soft landscaping.

This was seconded by Cllr Orrell.

Members voted unanimously in favour of the motion and it was:

Resolved: That the application be approved, subject to the amendments outlined above.

Reason: It is considered that the proposal would make efficient use of the former hotel site which currently detracts from the appearance of the Conservation Area. The proposed property is relatively bold, however, the scale and design relates well to the host property and it creates a feature of the end/corner elevation. The height drops towards the listed lodge. It is not considered to detract from the character or appearance of the Conservation Area or setting of the listed building.

It is not considered it would cause unacceptable harm to neighbours' living conditions and provides suitable cycle parking. The accessible location is such that the property is not reliant on use of a car, though occupiers can seek to obtain on-street parking permits.

The proposal accords with national planning policy and draft local policy therefore is recommended for approval subject to conditions and subject to the signing of a legal agreement to secure a financial contribution towards improvements to nearby off-site play and amenity space.

[5.43pm, Cllr Hollyer left the meeting and Cllr Orrell replaced him as Chair.]

**55. 25 Orchard Paddock, Haxby, York, YO32 3DW
[23/01400/FUL] (5.44 pm)**

Members considered a full application by E Pearson for a single storey side and rear extension and dormer to rear following removal of garage.

The Development Manager gave a presentation on the plans and provided an update to the Committee which provided an additional condition for obscure glazing on the first floor side facing window, the window should be non-opening.

Cllr Fenton moved the officer recommendation to approve the application to include the additional condition contained in the update and this was seconded by Cllr Melly. Members unanimously voted in favour of the motion and it was:

Resolved: That the application be approved.

Reason: The proposal is considered to comply with the National Planning Policy Framework (2023), policy D11 of the City of York Draft Local Plan (2018) and advice contained within Supplementary Planning Document 'House Extensions and Alterations'.

Cllr A Hollyer, Vice-Chair, in the Chair
[The meeting started at 4.31 pm and finished at 5.49 pm].

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COMMITTEE REPORT

Date: 17 January 2024 **Ward:** Fulford And Heslington
Team: East Area **Parish:** Fulford Parish Council

Reference: 23/01234/FUL
Application at: 100 Main Street Fulford York YO10 4PS
For: Conversion of Nos. 100-102 to provide 4no. dwellings with external alterations and extensions. Erection of 1 no. dwelling to the rear and parking. (resubmission)
By: Bootham Developments LLP
Application Type: Full Application
Target Date: 17 November 2023
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application relates to nos. 100 and 102 Main Street in Fulford (currently residential dwellings) and the land and outbuilding to the rear (previously part of the business operation - Britton Dairies). At the time of site visit, the site was vacant. The site lies within the Fulford Village Conservation Area. In the area appraisal, No.100 is identified as a building of positive value to the area. No.102 is of neutral value and the outbuildings to the rear are identified as being detrimental to the area. The site is not in Flood Zones 2 or 3.

1.2 There is an access road to the south that leads into the site and 104 and 104a which lies behind the application site to the west. 104a is adjacent the application site; there is a dormer bungalow orientated east/west and next to the outbuilding at the rear of the application site is a driveway and garage block. St Oswalds Court is a two-storey late C20 complex of housing to the south. There is a terrace of two storey buildings along Main Street to the north of the site. The connected building is in commercial uses and has a large single storey flat roof rear extension.

1.3 The proposals are to accommodate 5 dwellings on-site (one 3 bedroom dwelling and four 2 bedroom dwellings). The scheme involves demolition of the extensions and outbuildings to the rear of nos.100 and 102. The outbuilding at the west side of the site would be replaced by a 2-storey pitched roof building accommodating a carport and dwelling.

1.4 No. 102 would have its hipped roof converted to a gable roof and windows would be replaced. At the rear both buildings would gain a single storey rear

extension, with flat roof providing an outside terrace. Four dormers are added to the rear roofslope. New windows on the frontage buildings are to be timber framed.

1.5 During consideration of this application an updated bat survey has been provided alongside revised plans with regards to access and accompanying tracking and parking details.

1.6 The application was deferred at Planning Committee B on 10 October 2023 due to an out-of-date bat survey. An updated bat survey has been received, alongside revisions to the elevations and floorplans for accessibility at the rear. The parking space to 100A and the terrace has been altered to facilitate un-obstructed pedestrian accesses to each dwelling at a width of 910mm. The alteration maintains 900m around the parking space and for access into 102C.

Relevant Planning History

1.7 Planning permission was granted on 23 March 2023 for the same development however this decision is currently subject to judicial review (22/02437/FUL). The grounds for challenge were due to a lack of conditions with regards to drainage, archaeology and ecology. For reference, these conditions have been added to the draft decision notice for this application.

Ward Councillor Call-In

1.8 This application was called in by Councillor Ravilious on the following grounds;

- Potential to harm Fulford Conservation Area.
- Outdoor amenity space provided is inadequate and unsuitable.
- Parking/turning arrangements inadequate.
- Proposal represents overdevelopment of the site.
- Biodiversity net gain measures are inadequate.
- Previous decision to approve is due to be quashed by the Court following judicial review challenge by the Parish Council.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 Key chapters and sections of the NPPF relevant to this application are as follows:

Achieving sustainable development (chapter 2)

Application Reference Number: 23/01234/FUL

Item No: 4a

Decision-making (chapter 4)
Delivering a sufficient supply of homes (chapter 5)
Promoting healthy and safe communities (chapter 8)
Promoting sustainable transport (chapter 9)
Making effective use of land (chapter 11)
Achieving well designed places (chapter 12)
Meeting the challenge of climate change, coastal change and flooding (chapter 14)
Conserving and enhancing the natural environment (chapter 15)
Conserving and enhancing the historic environment (chapter 16)

DRAFT LOCAL PLAN (2018)

2.2 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024. The following policies are relevant;

DP2 Sustainable Development
DP4 Approach to Development Management
EC2 Loss of Employment Land
H10 Affordable Housing
D1 Placemaking
D4 Conservation Areas
D6 Archaeology
D7 Non-Designated Heritage Assets
D11 Alterations and Extensions to Existing Buildings
GI2 Biodiversity and Access to Nature
CC2 Sustainable Design and Construction of New Development
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
WM1 Sustainable Waste Management
T1 Sustainable Access
T8 Demand Management

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Design and Conservation - City Archaeologist

3.1 The application site is on the edges of the historic village of Fulford and close to known areas of Romano-British activity. The Archaeologist does not believe that there will be any important archaeological resource visible in the small opportunities for viewing (e.g drainage runs and shallow attenuation tanks) an archaeological watching brief should take place as a precautionary measure. If the works are proving not to penetrate any archaeological layers other than agricultural soils the monitoring can be halted. Recommend a condition.

Design and Conservation - Senior Countryside and Ecology Officer

3.2 No further recommendations beyond those made regarding application 22/02437/FUL. This stated - No objections subject to conditions regarding bats, biodiversity net gain and nesting birds.

3.3 Additional comments received November 2023 - After reading through the objection comments (dated November 2023) and the updated Bat Survey report provided by Wold Ecology Ltd. (October 2023), the best course of action would be to ensure no construction works, including both demolition and renovation works, are undertaken on site until a European Protected Species (EPS) licence from Natural England has been secured.

3.4 It is important to note that additional survey work will be required to inform the licence, which would address the identified limitations of the survey works to-date, as highlighted on page 22 of the Bat Survey report. Principally, that surveys were carried out late-on in the optimum bat survey season.

3.5 In addition, this site wide approach would ensure that any works that have the potential to cause disturbance to the known roost site (i.e. the renovation works), could not be carried out until further surveys have been undertaken and a clear plan for mitigation and compensation has been agreed through the licencing process.

3.6 As such, the Ecologist recommends an alteration to the planning condition regarding EPS licencing for bats (inclusion of all buildings within the condition).

Design and Conservation – Conservation and Architecture

3.7 No comment - Development Management to assess.

Public Protection

3.8 Advice regarding noise, EV charging points, land contamination, construction management. Recommend a condition for noise insulation and conditions to deal with contamination. Recommend informatives regarding construction management.

Highway Network Management

3.9 The concerns regarding the lack of a suitable bin collection point and orientation of the door to the bike store to 102C have been suitably addressed by the Applicant. HDC's position in regard to the sufficiency of on-street parking to accommodate the unmet car parking demand is unchanged.

Flood Risk Management Team

3.10 No comments received.

EXTERNAL CONSULTATIONS

Yorkshire Water

3.11 No objection but recommend a condition with regards to compliance with the drainage strategy (revision P2 dated October 2022).

Fulford Parish Council

3.12 Welcome the renovation and re-use of 100-102 Main Street to provide housing, however the resubmitted application in its current form is not supported on the following grounds;

- The use of the site is described as 'Residential' which is misleading because the rear outbuildings were in industrial/employment use over many decades (as part of Britton's Dairy). The loss of a former employment site is therefore a material consideration.
- The Applicant has answered 'No' to the question of whether there is a reasonable likelihood of protected or priority species being present on the site, despite the presence of a bat roost within the outbuildings being confirmed in their own commissioned bat survey dated August 2022.
- Cramped design and lack of soft landscaping

- Loss of trees on southern elevation of rear boundary which represents a loss of biodiversity rather than a net gain
- Inadequate amenity space
- Concerns regarding outlook
- Inadequate parking and turning arrangements
- Poor design
- Application does not enhance the character and appearance of the Conservation Area
- Terrace for the 3 bed dwelling will appear alien and unattractive
- Hip to gable roof extension and the large dormer will also introduce more bulk and make the building appear more prominent.
- The two semi-detached buildings will be almost entirely demolished except for those parts of the roof not affected by the hip-to-gable extension and the four rear dormers. Some chimneys will also be lost. This will result in a significant change to the appearance of the semi-detached dwellings and may impact negatively on the streetscene.
- A Construction Environmental Management Plan is required.
- Proposal would cause less than substantial harm to heritage assets which could be avoided.

3.13 Further representation received from the Parish Council which stated;

- The bat survey expired in August 2023. The survey found a bat roost in the outbuilding and there are concerns that the works to the roof on the frontage building could harm roosting or hibernating bats if present.
- The harm could be avoided without the roof change and the dormers and this could influence consideration of the derogation tests.

3.14 Further representation received from Parish Council on 29 November 2023 following the publication of the deferred committee report in November 2023:

- Intensify the use of the driveway access route (by five households, plus the two existing users)
- The drive is the only pedestrian route available to plots 100A, 102A and 102C.
- Access only 3.6m wide which is not wide enough to allow two vehicles to safely access/exit at the same time.
- Drive connects directly to A19 where any conflict between vehicles waiting to enter or exit could result in safety issues.

- No footpath and no provision for cyclists.
- No information provided on how to demonstrate the historic surface will be protected from damage or how it will be maintained.
- Access conflicts with policy T1(b).
- Driveway inaccessible.
- The applicant has not undertaken an Equalities Impact Assessment.
- Provision of 5no. spaces for 5no. dwellings is substandard and absence of visitor spaces is undesirable.
- Unacceptable lack of parking or turning for larger vehicles.
- Width of entrance has reduced by half from 9m to 4.5m.
- Harm to Conservation Area due to subdivision, intensification of use, inappropriate design and lack of soft landscaping.
- Abnormal scale of the dormers.
- Demolition will result in a damaging change to the character and appearance of the dwellings.
- Lack of outdoor amenity space, lack of natural light and outlook represents poor design.
- Waste collection would present difficulties.
- Bat surveys have not been appropriately updated.

Conservation Area Advisory Panel

3.15 Object on the following grounds;

- Works amount to virtual demolition with only the front elevation remaining.
- Significant alterations including raising of ridge line, inserting two new doors and blocking the first floor window
- Proposed building to the rear was inappropriate in form and partially visible from Main Street.
- Buildings not listed.
- Buildings to the rear are noted as detrimental to the area, - 102 Main Street is of neutral value, 100 Main Street is of positive value. Unclear if the applicant has fully understood the implications.
- Might be justifiable to demolish the outbuildings, but on the other hand, it would not be justifiable to propose such radical interventions to No 100 Main Street Fulford, which already has a 'positive value', and is defacto a non-designated heritage asset.
- Should enhance the positive value.
- Need to know more about the building.

- Heritage, Design and Access statement appears to have had insignificant input.
- Overdevelopment, lack of amenity space and issues of vehicular access.
- Proposals are detrimental to the heritage values and historic fabric of No 100 Fulford road.
- Misses the opportunity to enhance this part of the Conservation Area.

4.0 REPRESENTATIONS

4.1 One objection has been received on the following grounds;

- Concerns regarding contractor parking
- If when complete the dwellings have own parking at the rear then no objections subject to the contractor parking as stated above.

4.2 One letter of support has been received on the following grounds;

- Houses need tidying up.
- Looked run down for years.
- Considering it was once a business the amount of vehicles in and out via this driveway won't change and there's been sufficient parking given in the plans.
- Only people it will affect are the residences at the driveway side in St Oswalds Court and the residential properties at the rear and can't see it making any difference apart from tidying up.

4.3 One further third party representation received in November 2023 following deferral of the application at Planning Committee. Comments received on the following grounds;

- Wold Ecology Bat Surveys dated Oct 2022 and Oct 2023 are inadequate and do not provide the necessary information.
- Concerns regarding the validity of the preliminary bat roost assessment as based on an external inspection.
- Lack of internal inspection.
- Concerns regarding the external inspection of west and north elevations.
- Inaccuracies in reports
- Findings are not supported by evidence.
- Reliability of the findings is constrained by the timing of the single activity survey in August.

- 2023 survey fails to establish the actual location of the bat roost and whether the building's status has changed since the previous survey.
- No evidence to provided to justify thorough inspection in the 2023 survey.
- Fails to include a roost characterisation survey as recommended in guidelines.
- LPA must also ensure that the three derogation tests can be met before granting permission.

5.0 APPRAISAL

5.1 The key issues in this case are:

- Principle of the proposed development
- Impact on heritage assets
- Residential amenity
- Highway Network Management
- Sustainable design and construction
- Drainage
- Ecology
- Open space
- Affordable housing
- Archaeology

PRINCIPLE OF THE PROPOSED DEVELOPMENT

Policy

5.2 Paragraph 60 of the NPPF seeks to significantly boost the supply of homes. Chapter 9 of the NPPF promotes sustainable transport. Chapter 11 of the NPPF seeks to make effective use of land.

5.3 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 123 of the NPPF). Planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (paragraph 124c of the NPPF). Development should promote and support the development of under-utilised land and buildings, especially if this would

help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (paragraph 124d of the NPPF).

5.4 Policy EC2 of the Draft Local Plan 2018 relates to the loss of employment land. It must be demonstrated that the existing land or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses.

Assessment

5.5 The proposals are for redevelopment of what is regarded as a brownfield site, historically in residential use and surrounded by dwellings. The outbuildings to the rear have previously been used in connection with a dairy business, however the outbuildings are in a poor condition and have not been in operation for some time. The Parish Council raise concerns regarding the loss of an employment building. The Local Planning Authority however consider that when taking into account the current condition of the building and surrounding land uses being predominantly residential, the site is incompatible and no longer appropriate for employment use. Significant weight is attached on the provision of housing and renovation of the buildings within the Conservation Area.

5.6 The site is within a sustainable location, close to public transport facilities and local amenities. The city has demonstrable housing need, which, until the emerging local plan is adopted, cannot be accommodated without utilising Green Belt land. In principle residential re-use of the site is appropriate when applying the NPPF, in particular sections 5, 9 and 11 which relate to housing, sustainable transport and effective use of land.

IMPACT ON HERITAGE ASSETS

Policy

5.7 Section 16 of the NPPF, conserving and enhancing the historic environment, advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.8 Section 72 of the Planning (Conservation Areas & Listed Buildings) Act requires that special attention shall be paid to the desirability of preserving or enhancing the

character and appearance of a conservation area. This is supported by Policy D4 of the Draft Local Plan which seeks to protect Conservation Areas and their setting.

5.9 Policy D7 of the Draft Local Plan states development proposals affecting a non-designated heritage asset or its setting will be supported where they conserve those elements which contribute to its significance.

5.10 Policy D1 of the Draft Local Plan supports development where they improve poor existing urban environments. Design considerations include the urban structure, grain, density, massing, spacing, scale and appearance.

5.11 Policy D11 of the Draft Local Plan supports the extension and alteration to existing buildings subject to ensuring the design responds positively to its immediate architectural context and sustains the significance of the heritage asset and its setting.

Assessment

5.12 The site is located within Fulford Conservation Area. Within the Conservation Area Appraisal no.100 is identified as a building of positive value. In applying Draft Local Plan 2018 policy D7 no.100 can be regarded as a non-designated heritage asset. No. 102 is of neutral value in the Conservation Area Appraisal.

5.13 Existing later additions are to be demolished to the rear of both no.100 and no.102. The extensions are considered acceptable to demolish as they are in poor condition and are of no architectural merit. No.100 and no.102 are to be split into 4no. dwellings via internal works. Internal alterations could take place without any planning permission requirements.

5.14 It is proposed to erect a single storey rear extension which spans the full rear elevations of no.100 and no.102. The roof is of parapet design to allow for a roof terrace enclosed by railings, to provide outdoor amenity space for the dwellings. The extension is considered subordinate in scale with complimentary materials. The proposal is considered small in scale and will be discreet, being located at the rear. The development would preserve the character and appearance of the Conservation Area.

5.15 A dormer is proposed to the rear elevation of each new dwelling along Main Street. The dormers are centrally sited within each roof slope and set down from the

ridge and set in from the eaves. Taking into account their siting at the rear, scale and positioning, the dormers are considered acceptable additions on the roofscape and are not considered to harm the character and appearance of the buildings or Conservation Area.

5.16 The building located to the rear of the site is in poor condition and is commercial in nature. It is listed as a detractor in the Conservation Area Appraisal. This building would be demolished and replaced by a brick building of similar massing. It would be two-storey, clad in brick with a pitched slate roof. It is considered subordinate in scale to the frontage buildings. The south end of the building includes a timber screen which wraps around a first-floor outdoor amenity space. Taking into account the existing structure, historic use of the site, layout and prominence of the rear section of the site from Main Street, the proposed building would have no detrimental impact on the Conservation Area. It is considered that the demolition and re-building of this section of the site would enhance the character and appearance of the Conservation Area.

RESIDENTIAL AMENITY

Policy

5.17 NPPF section 12 in respect of design advises decisions should 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. Section 15 refers to noise and its potential impact on amenity. Policy ENV2 of the Draft Local Plan 2018 seeks to ensure development does not unacceptably harm the amenities of existing and future occupants on the site occupiers and existing in neighbouring communities. Policy ENV3 relates to land contamination,

Assessment

5.18 The site already accommodates residential uses. The proposed scheme includes first floor amenity areas to both buildings. In terms of impact, the terraces to no.100 and no.102 would be directly opposite a blank side wall to the south and the single storey extension to the commercial unit to the north. The terrace on the new build would be enclosed and this is secured by condition to ensure this is in place prior to first occupation. The terraces do not introduce any harmful overlooking.

5.19 The proposed buildings generally replicate the massing and format of existing

buildings on site and would not be overbearing or over-dominant over neighbours. A condition can be used to prevent any new windows / openings on the new build (102c) as this building has been specifically designed to avoid undue overlooking of surrounding land. It is considered the dwellings are of suitable size and all habitable rooms are served by a window.

5.20 In terms of traffic noise, the houses fronting Main Street are existing. Where windows are being replaced they would be of improved environmental performance to existing units which appear to be single glazed. The new build dwelling is set back behind the existing buildings therefore shielded from road noise. A condition to require that the new dwelling achieves adequate noise standards is recommended.

5.21 Concerns have been raised regarding the size of the outdoor amenity spaces; the site is constrained and it is considered the outdoor amenity space is appropriate for this development. The spaces are of a similar in size to existing residential outdoor amenity spaces within the centre of Fulford, in particular along Main Street and surrounding terraced streets. The scheme includes small yard areas, a courtyard and public open space is within walking distance.

5.22 Land contamination can be adequately dealt with via conditions, as recommended by the Public Protection Officer.

HIGHWAYS

Policy

5.23 The NPPF requires development 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.

5.24 Policy T1 of the Draft Local Plan 2018 seeks to ensure development proposals demonstrate safe and appropriate access. Development must provide sufficient convenient, secure and covered cycle storage. Policy T8 relates to demand management and improving the overall flow of traffic in and around the City Centre.

5.25 Development should only be prevented or 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 (paragraph 115 of the NPPF).

5.26 Policy WM1 of the Draft Local Plan relates to waste management which promotes the integration of facilities for waste prevention, recycling and recovery in association with the planning of new housing development.

Assessment

5.27 The site is served by an existing access road which has historically served this site and houses beyond. No changes to the entrance arrangements are proposed. The site is on Main Street in Fulford, therefore close to amenities and on a bus route into the city centre. This is an appropriate location for residential development and sustainable travel options are available.

5.28 During the course of this application, minor amendments have been made. This includes: swept path analysis, provision of 11no. cycle parking spaces, a bin collection point, alterations to the size of car parking spaces and the slight rearrangement of house 102C.

5.29 A car parking space is provided for each dwelling. The layout is tight, but workable and such an arrangement respects local character, as required by the NPPF (108e) and the National Design Guide (paragraphs 84 and 88). Whilst the Highways Officer states there is an under provision of car parking, at present there are no local standards for car parking provision. The provision of 5no. spaces for 5no. dwellings is considered sufficient given the sustainable location and proximity to public transport facilities. Parking is available on Main Street for visitors although heavily used at times. The proposal would not lead to a severe impact on the highway network. The requirements of NPPF and local policy are all in respect of reducing private car travel and the scheme is consistent with such. There will be covered and secure cycle storage for each dwelling.

5.30 Servicing arrangements are as existing as there are already multiple houses which use the access road, which is not adopted highway. Waste storage is discreetly located as recommended in the National Design Guide (88). The servicing arrangements do not raise any highway safety issues. It would be the occupier's responsibility to present the waste for collection in line with CYC domestic waste collection guidance.

5.31 Concerns are raised in the representations regarding construction vehicles, parking and access. Taking into account the scale of development proposed it would be the developer's responsibility to adhere to existing parking arrangements within the vicinity and secure the relevant permissions if skips/storage areas are required outside of the red line boundary. This would fall outside of planning control.

SUSTAINABLE DESIGN AND CONSTRUCTION

Policy

5.32 Policy CC2 of the Draft Local Plan, as recently amended, states all new residential development of 1 or more dwellings should achieve:

- i. on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures; and,
- ii. a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Assessment

5.33 With regards to the above sustainability requirements, these can be secured by condition for the new build dwelling (102C). As 110A, 100B, 102A and 102B were already in residential use, policy CC2 would not come into effect.

DRAINAGE

Policy

5.34 Policy ENV5 requires sustainable drainage and states that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

Assessment

5.35 The site lies within flood zone 1. Surface water and foul water will be disposed via the main sewer. It is proposed to connect to the existing drainage system

(combined sewer on site). This is the same situation as for the existing residential properties.

5.36 A drainage plan has been submitted as part of this application by Topping Engineers (revision P2, dated October 2022), which includes attenuation measures to control the surface water flow for the proposed impermeable area. It is proposed to discharge to brownfield rates with a 30% betterment. A condition is recommended to ensure compliance with the drainage scheme.

ECOLOGY

Policy

5.37 Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Paragraph 180 (d) of the NPPF (2021) seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. These enhancements are required in addition to the protected species licence requirements to mitigate for bats.

Assessment

5.38 The application is accompanied by two Bat Surveys (dated August 2022 and October 2023) and a Preliminary Ecological Appraisal by Wold Ecology (October 2022). The bat surveys conclude that the outbuilding supports a brown long-eared bat day roost. The report also states that individual bats could roost in other parts of the outbuilding or wider parts of the site. No bird's nests were observed in the building. There were no roosting bats identified in 102 Main Street.

5.39 The Preliminary Ecological Appraisal identified no further ecological constraints on the site. The report recommends a bat box, lighting plan, vegetation clearance outside of bird nesting season and 2no. bird boxes. A biodiversity net gain condition is recommended. A condition is also recommended with regards to the timings of site clearance works to ensure this is outside of bird nesting season unless checked by an Ecologist.

5.40 A bat roost has been identified within the outbuilding and therefore consent

from Natural England will be required in respect of the demolition works. The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, contain "derogation tests" which must be applied. The development would pass the tests. There is overriding public interest in replacing a derelict and empty building and the species affected is classed as low conservation concern and the requirement for a European Protected Species Licence will prevent any direct harm and the provision of new roost features will maintain roosting opportunities on site.

5.41 The Ecologist has reviewed the updated Bat Survey (October 2023) and the objection comments (November 2023). The Ecologist raises no concerns with the validity of the report and recommends a condition requiring no construction works, including both demolition and renovation works, are undertaken on site until a European Protected Species (EPS) licence from Natural England has been secured. This would cover all buildings and not just the outbuilding. This condition forms part of the officer recommendation.

5.42 It is important to note that additional survey work will be required to inform the licence, which would address the identified limitations of the survey works to-date, as highlighted on page 22 of the Bat Survey report. Principally, that surveys were carried out late-on in the optimum bat survey season.

5.43 In addition, this site wide approach would ensure that any works that have the potential to cause disturbance to the known roost site (i.e. the renovation works), could not be carried out until further surveys have been undertaken and a clear plan for mitigation and compensation has been agreed through the EPS licencing process. Taking the above measures and conditions into account, the proposal is considered to meet paragraph 180 of the NPPF and policy GI2 of the draft Local Plan (2018).

AFFORDABLE HOUSING

Policy

5.44 Policy H10 of the Draft Local Plan (2018 and as amended 2023) states residential development of between 5-14 houses which has a maximum combined gross floorspace of more than 1000m² will require a 10% off site affordable housing financial contribution.

Assessment

5.45 The proposal seeks 5no. dwellings, however the floorspace is under 1000m² therefore an affordable housing contribution is not required.

ARCHAEOLOGY

Policy

5.46 Draft Local Plan Policy D6 relates to archaeology. Development must not result in harm to the significances of the site or its setting. It should be designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk.

5.47 Where harm to archaeological deposits is unavoidable, detailed mitigation measures must be agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

Assessment

5.48 The City Archaeologist notes the application site is on the edges of the historic village of Fulford and close to known areas of Romano-British activity. The Archaeologist does not believe that there will be any important archaeological resource visible in the small opportunities for viewing (e.g drainage runs and shallow attenuation tanks) an archaeological watching brief should take place as a precautionary measure. If the works are proving not to penetrate any archaeological layers other than agricultural soils the monitoring can be halted. A two-stage condition is recommended to secure a programme of post-determination archaeological mitigation, specifically an archaeological watching brief. This condition has been added.

OPEN SPACE

Policy

5.49 Policy GI6 of the Local Plan states “Residential development proposals should contribute to the provision of open space for recreation and amenity in accordance with current local standards and using the Council’s up to date open space

assessment. The successful integration of open space into a proposed development should be considered early in the design process.”

Assessment

5.50 The site is unable to accommodate on-site provision therefore an off-site financial contribution would be required. There is a deficit in the ward (apart from sports) and as such there is a requirement for a contribution towards children’s play and informal amenity space. The contribution calculation is as follows;

2x2-bed = £1,656

1x3-bed = £1,505

Total = £3,161

5.51 This contribution can be secured through the provisions of a S106 Legal Agreement in the event the application is approved.

6.0 CONCLUSION

6.1 The proposal seeks the re-use and renovation of an existing brownfield site to provide 5no. dwellings within the centre of Fulford. Significant weight is attached to the provision of housing and the renovation of the site within the designated heritage asset. The works to the frontage buildings respects the character and integrity and will help secure their long-term future. The layout and design of the dwelling to the rear respects the plot layout and spatial form. The works are considered to enhance the Conservation Area and its setting. Each dwelling will utilise the existing access from Main Street and will be provided with an off-street parking space and cycle storage which is considered acceptable. Matters such as ecology, contamination, drainage, archaeology, landscaping, materials, noise, sustainability and amenity can be dealt with via conditions. The proposal accords with national planning policy and draft local policy therefore is recommended for approval subject to conditions and subject to the signing of a legal agreement to secure an off-site play and amenity space contribution in accordance with policy GI6 of the Draft Local Plan (2018).

7.0 RECOMMENDATION:

That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a. The completion of a Section 106 Agreement to secure the following planning obligations:

Open Space Contribution: £3,161 towards amenity and play space provision

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions:

1 TIME2 Development start within three years

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

Location plan, drawing number 0001.

Ground floor demolition plan, drawing number 0600, rev 01, dated 16.03.2023

First floor demolition plan, drawing number 0601, rev 01, dated 16.03.2023.

Site demolition plan, drawing number 0620, rev 01, dated 16.03.2023.

Proposed ground floor plan, drawing number 1100, rev 06, dated 06.11.2023

Proposed first floor plan, drawing number 1101, rev 04, dated 06.11.2023.

Proposed second floor plan, drawing number 1102, rev 05, dated 06.11.2023.

Proposed site plan, drawing number 1000, rev 05, dated 06.11.2023.

Proposed elevations, drawing number 1300, rev 07, dated 06.11.2023.

Proposed elevations, drawing number 1301, rev 06, dated 28.09.2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Demolition/construction works to any buildings within the application site shall not commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or

b) Confirmation that the site is registered on a Bat Mitigation Class licence (formally Low Impact Class Licence) issued by Natural England; or

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

Reason: To ensure bats are protected from harm during the proposed works. All British bat species and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

4 The scheme shall be implemented in accordance with the recommendations set out in the Preliminary Ecological Appraisal, provided by Wold Ecology Ltd. dated October 2022 (submitted with the planning application).

The following items shall be installed on-site in the recommended locations in the aforementioned PER prior to first occupation and retained in situ for the lifetime of the development:

- At least 2 Schwegler type bird boxes.
- At least 1 Schwegler type bat boxes.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 180 d) of the NPPF (2021).

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

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

6 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site.

The archaeological scheme comprises 2 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No ground disturbing works shall take place until an archaeological contractor has been appointed by the applicant and approved by the local planning authority. The site investigation, post-investigation assessment and provision for analysis, publication and dissemination of results and archive deposition shall be completed/secured in accordance with standards set by the Chartered Institute for Archaeologists and LPA.

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

This condition is imposed in accordance with Section 16 of NPPF.

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

7 Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

8 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

9 Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

10 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent

person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

11 A scheme detailing the proposed hard-landscaping / surfacing details for the site shall be submitted to and approved in writing by the Local Planning Authority prior to any groundworks. The scheme shall be fully implemented in accordance with the approved details prior to first occupation.

Reason: In the interests of amenity and local distinctiveness and the character and appearance of the conservation area, in accordance with NPPF sections 12 and 16 (note it is expected the setts along the access road will be retained).

12 The external materials to be used shall be as specified on the approved plans.

The external render shall be rough-cast.

New brickwork shall be approved in writing by the local planning authority prior to the commencement of construction on the relevant building. The development shall be carried out in accordance with the approved details.

Sample panels of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of amenity and local distinctiveness and the character and appearance of the conservation area, in accordance with NPPF sections 12 and 16 (it is noted it is expected the setts along the access road will be retained).

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

- a) Where new or replacement doors and windows are proposed detailing drawings (in context and in section) shall be provided of existing and proposed details.
- b) Method statement for retention or restoration of the eaves detail on no.102.
- c) Appearance and finish to timber cladding to 102C.

The "new timber windows" to the front elevation of no. 100 and no. 102 shall be a sliding type (and not be outward opening).

Reason: In the interests of amenity and local distinctiveness and the character and appearance of the conservation area, in accordance with NPPF sections 12 and 16.

14 The cycle storage buildings shall be installed in accordance with the approved plans and shall be covered and secure. The storage shall be installed prior to first occupation of the relevant building and maintained/provided for storage for the lifetime of the development.

Reason: In the interests of good design, visual and residential amenity, and to promote sustainable travel in accordance with NPPF sections 9 and 12.

15 The building envelope of the new build residential accommodation (dwelling 102C as annotated on the approved plans) shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms. These noise levels shall be observed with windows open in the habitable rooms or if necessary windows closed and alternative ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF section 12.

16 The new build dwelling (identified as 102C on the approved plans) shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwelling (102C) not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

17 The privacy screens, enclosures to outside amenity spaces and boundary treatment shall be installed in accordance with the approved drawings prior to first occupation of the relevant dwellings and shall be retained thereafter.

Reason: In accordance with NPPF section 12; to prevent overlooking of neighbouring property.

18 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 1 (or any Order revoking and re-enacting that Order with or without modification) there shall be no new windows inserted on the dwelling referred to as 102C on the approved plans.

Reason: In the interests of amenity, to ensure no overlooking of existing houses and gardens surrounding the building. As such the Local Planning Authority considers that it should exercise control over any future extensions which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

19 The development shall be carried out in accordance with the details shown on the submitted plan, Drainage Strategy 22501 DR-C-0100 (revision P2) dated October 2022 prepared by Topping Engineers, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of satisfactory and sustainable drainage.

8.0 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:

- Asked for parking clarification, swept path analysis and bin collection points.

2. CONTROL OF POLLUTION

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

- 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".

- 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
- 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.
- There shall be no bonfires on the site.

3. WILDLIFE AND COUNTRYSIDE ACT 1981

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings and vegetation are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new bat roosting and bird nesting features are installed, on trees and 'green' linear features, such as hedgerows. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance: <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

Contact details:

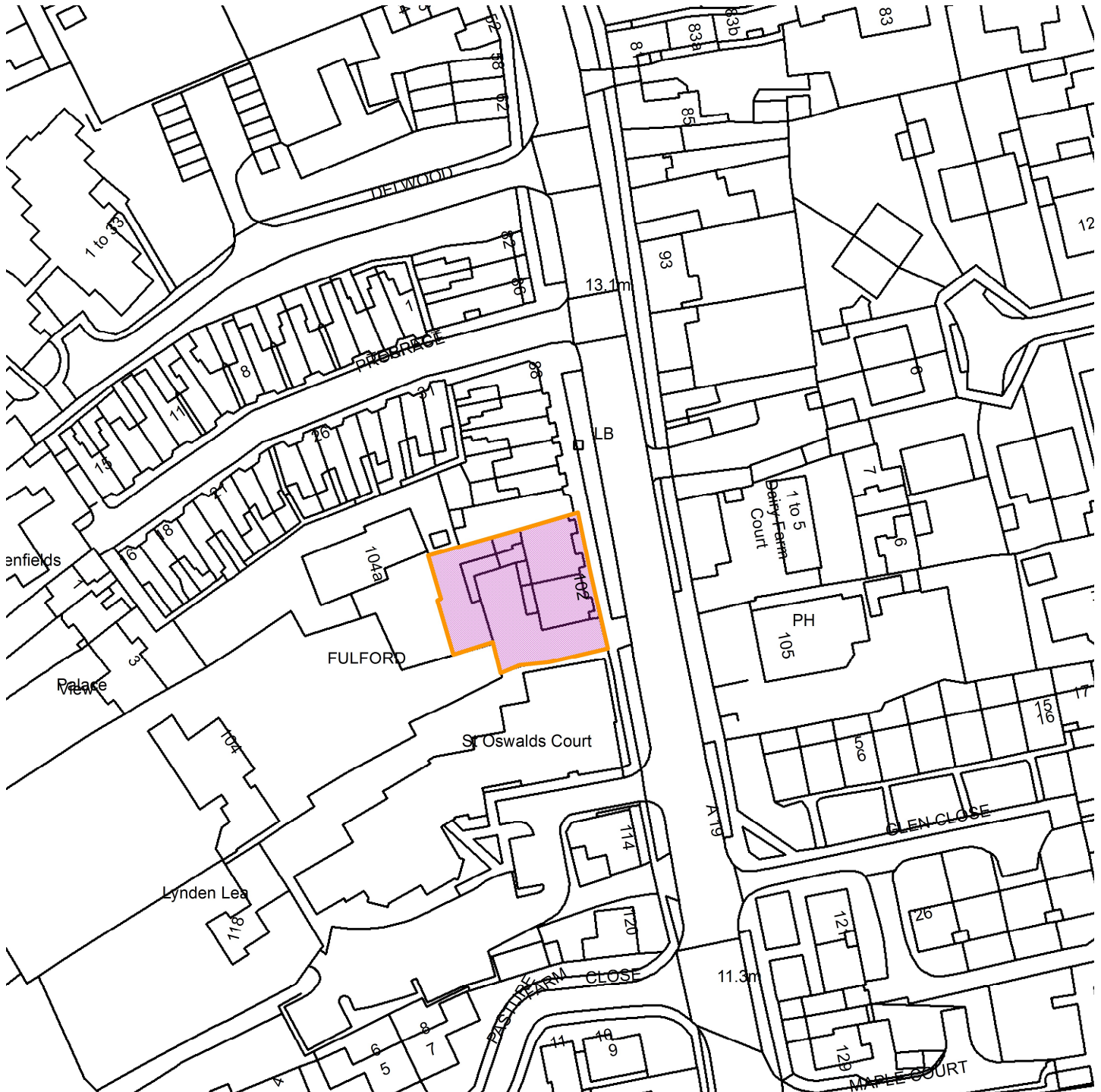
Case Officer: Natalie Ramadhin
Tel No: 01904 555848

100 and 102 Main Street, Fulford

23/01234/FUL



GIS by ESRI (UK)



Scale : 1:1082

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	27 September 2023
SLA Number	Not Set

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Planning Committee B

23/01234/FUL

100 – 102 Main Street Fulford

Existing Site Plan



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revision	date	description	drawn	checked
Vincent & Brown				
Studio 12, Middlethorpe Business Park Sim Bakk Lane, Bishopthorpe, York, YO23 2BD T: 01904 700941 e: studio@vincentandbrown.com				
Project: RESIDENTIAL DEVELOPMENT 100 - 102 MAIN STREET, FULFORD, YO10 4PS				
Drawing: EXISTING SITE PLAN				
date:	27/10/22	disc:	PLANNING	
scale:	1:100	sheet size:	A1	
job number:	22060-VB-ZZ-ZZ-DR-A-	rev:	0050	

Existing Floor plans – ground floor



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revision date description drawn by

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project:
RESIDENTIAL DEVELOPMENT
100 - 102 MAIN STREET, FULFORD, YO10 4PS
drawing:
EXISTING GROUND FLOOR PLAN

date: 27/10/22 status: PLANNING
scale: 1:100 sheet size: A1



job number	site	level	type	date	drawing number	rev
22060	VB	ZZ	100	DR	A	0100

EXISTING GROUND FLOOR PLAN



Existing floorplans
– first floor



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revision date	description	drawn	chk'd
Vincent & Brown			
<small>Studio 12, Middlethorpe Business Park 5th Balk Lane, Bishopthorpe, York, YO23 3BD t: 01904 700941 e: studio@vincentandbrown.com</small>			
<small>project: RESIDENTIAL DEVELOPMENT 100 - 102 MAIN STREET, FULFORD, YO10 4PS drawing: EXISTING FIRST FLOOR PLAN</small>			
<small>date: 27/10/22</small>		<small>status: PLANNING</small>	
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<small>job number site zone level type rev drawing number rev</small> 22060-VB-ZZ-01-DR-A-0101			

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project:
RESIDENTIAL DEVELOPMENT
100 - 102 MAIN STREET, FULFORD, YO10 4PS
drawing:
EXISTING FIRST FLOOR PLAN

date:
27/10/22

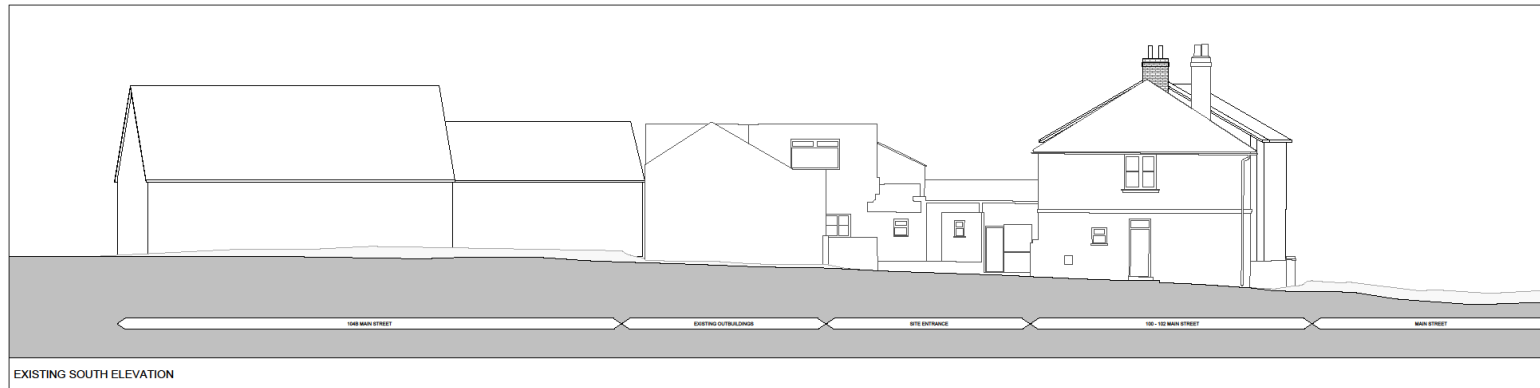
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scale:
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sheet size:
A1

job number | site | zone | level | type | rev | drawing number | rev
22060-VB-ZZ-01-DR-A-0101

Existing elevations – 100-102 Main Street



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project:
RESIDENTIAL DEVELOPMENT
100 - 102 MAIN STREET, FULFORD, YO10 4PS
drawing:
EXISTING ELEVATIONS

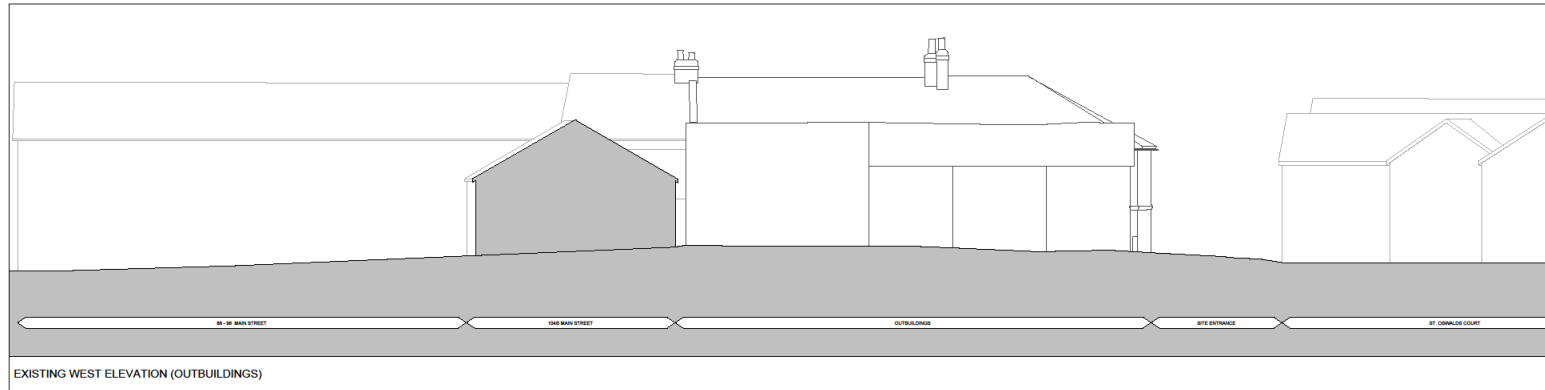
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job number	orig	date	type	rev	drawing number	rev
22060-1VB-	ZZ-	ZZ-	DR-	A-	0300	

Existing elevations – outbuildings



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revision	date	description	drawn	checked

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project:
 RESIDENTIAL DEVELOPMENT
 100 - 102 MAIN STREET, FULFORD, YO10 4PS

drawing:
 EXISTING ELEVATIONS

date: 27/10/22	status: PLANNING
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scale:
 1:100

Sheet size:
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job number	orig	date	type	revision	drawing number	rev
22060-VB-	ZZ-	ZZ-	DR-	A-	0301	

Proposed Site Plan



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05	05.11.23	REVISED FOLLOWING COMMENTS
04	05.09.23	REVISED FOLLOWING COMMENTS
03	05.09.23	REVISED FOLLOWING COMMENTS
02	16.03.23	REVISED FOLLOWING COMMENTS
01	11.02.23	REVISED FOLLOWING COMMENTS

revision date description drawn by

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project:
RESIDENTIAL DEVELOPMENT
100 - 102 MAIN STREET, FULFORD, YO10 4PS
 drawing:
PROPOSED SITE PLAN

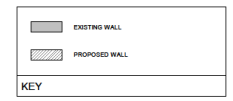
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22060-	VB-	ZZ-	ZZ-	DR-	A-	1000	05

Proposed ground floor plan



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06	06.11.23	REVISED FOLLOWING COMMENTS
05	03.11.23	REVISED FOLLOWING COMMENTS
04	08.09.23	REVISED FOLLOWING COMMENTS
03	08.09.23	REVISED FOLLOWING COMMENTS
02	16.03.23	REVISED FOLLOWING COMMENTS
01	11.02.23	REVISED FOLLOWING COMMENTS

revision date description drawn by
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project:
RESIDENTIAL DEVELOPMENT
100 - 102 MAIN STREET, FULFORD, YO10 4PS
 drawing:
PROPOSED GROUND FLOOR PLAN

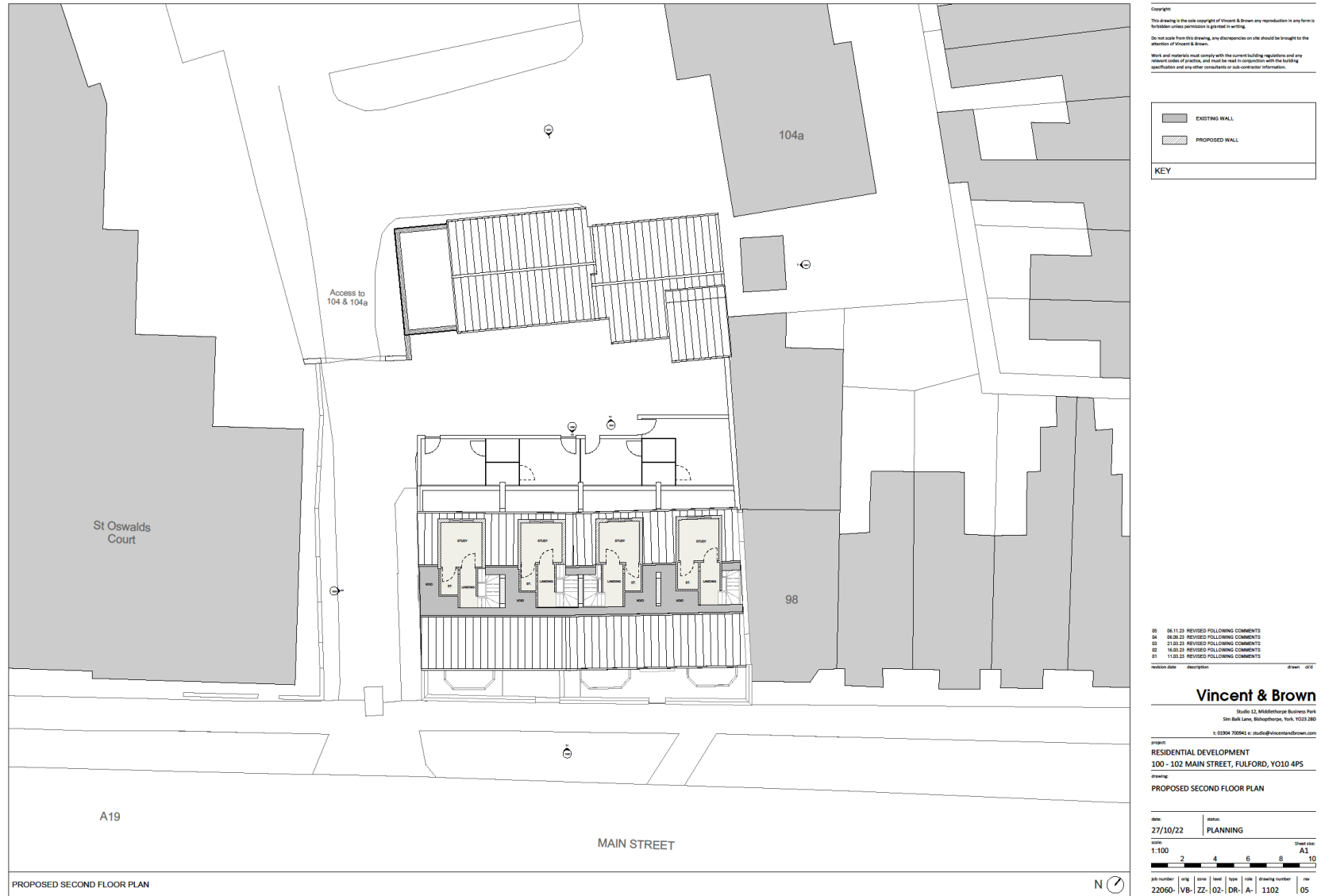
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rev:	06	drawing number:	

PROPOSED GROUND FLOOR PLAN

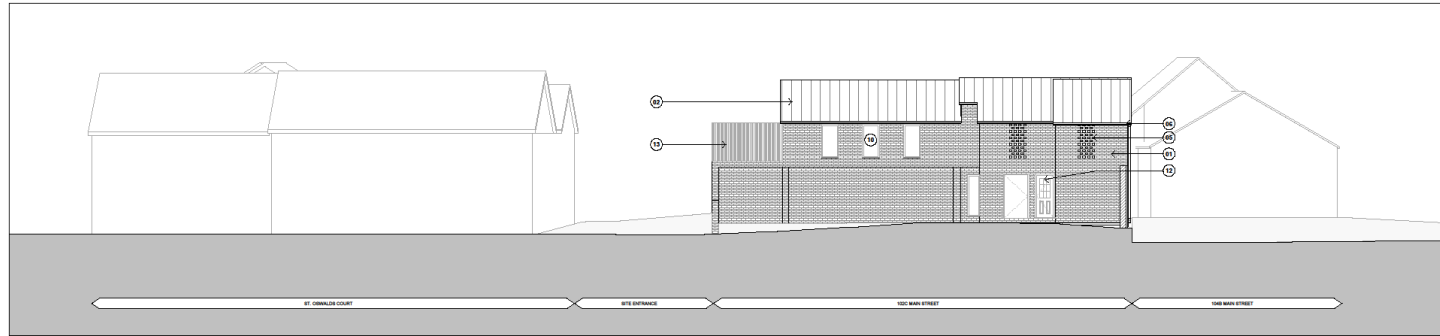
Proposed first floor plan



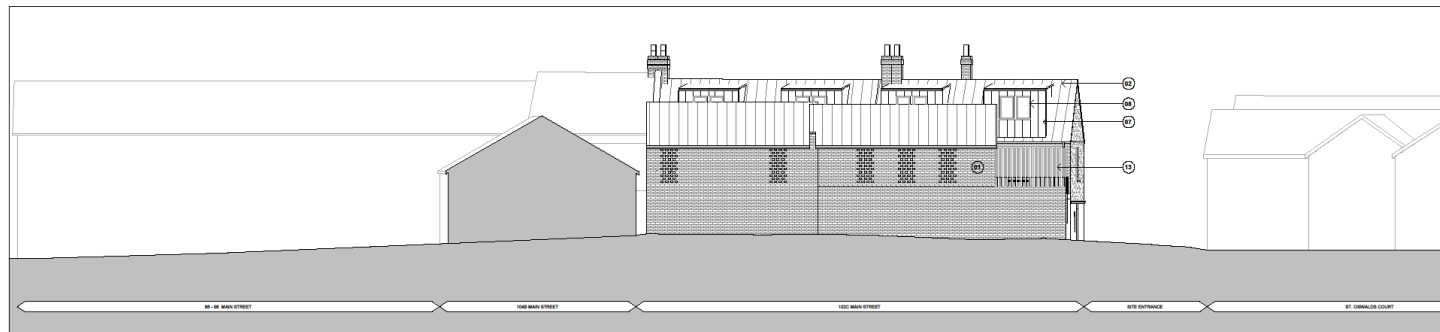
Proposed second floor plan



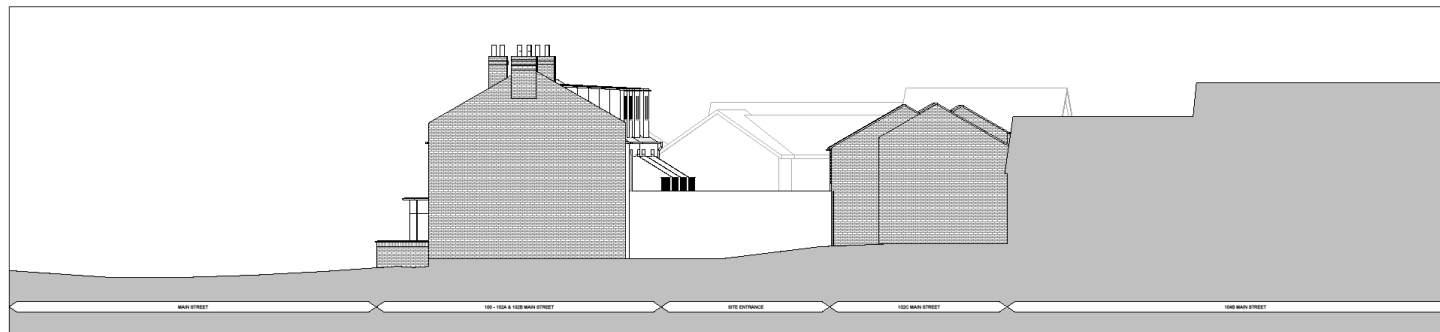
Proposed elevations



PROPOSED EAST ELEVATION (102 C)



PROPOSED WEST ELEVATION (102 C)



PROPOSED NORTH ELEVATION (102 C)

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- M1 → HERITAGE RED BRICK (TO MATCH EXISTING)
- M2 → SLATE ROOF TILES (TO MATCH EXISTING)
- M3 → NEW WHITE TIMBER WINDOWS
- M4 → NEW OFF-WHITE RENDER TO REPLACE EXISTING
- M5 → BRICK DETAILS (TO MATCH EXISTING)
- M6 → DARK GREY METAL RAINWATER GOODS
- M7 → DARK GREY METAL CLADDING
- M8 → DARK GREY METAL WINDOWS
- M9 → DARK GREY METAL ROOFLIGHTS
- M10 → DARK GREY METAL WINDOWS - FROSTED
- M11 → DARK GREY METAL DOORS
- M12 → TIMBER DOORS
- M13 → TIMBER CLADDING (DARK GREY / WEATHERED)
- M14 → PORTICO (TO REMAIN)
- M15 → BRICK BOUNDARY WALL

MATERIALS KEY

revision	date	description	drawn	checked
06	20.03.23	REVISED FOLLOWING COMMENTS		
05	08.03.23	REVISED FOLLOWING COMMENTS		
04	06.03.23	REVISED FOLLOWING COMMENTS		
03	21.03.23	REVISED FOLLOWING COMMENTS		
02	14.03.23	REVISED FOLLOWING COMMENTS		
01	11.03.23	REVISED FOLLOWING COMMENTS		

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project:
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 100 - 102 MAIN STREET, FULFORD, YO10 4PS

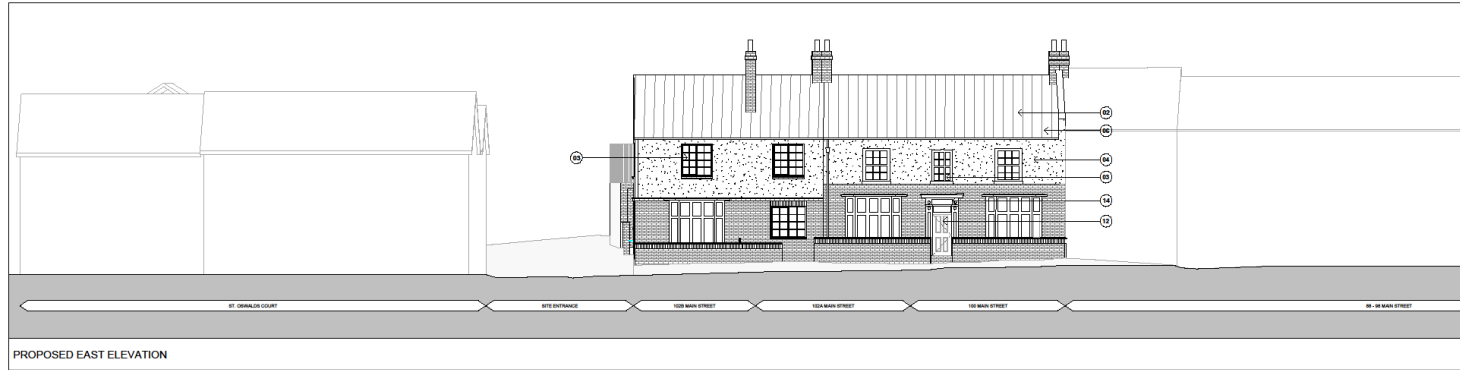
drawing:
PROPOSED ELEVATIONS

date: 27/10/22
 phase: PLANNING

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job number	orig	work	level	type	size	drawing number	rev
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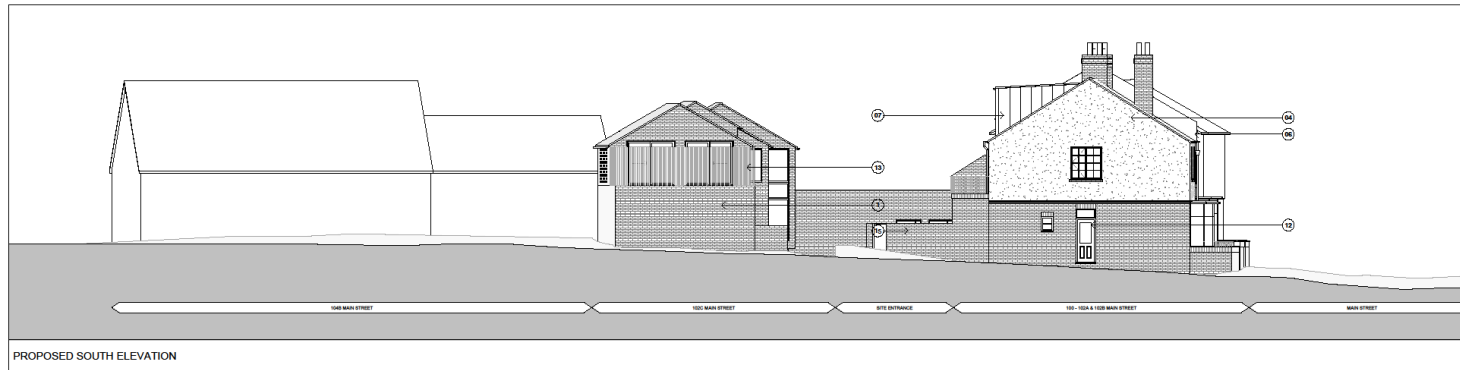
Proposed elevations



PROPOSED EAST ELEVATION



PROPOSED WEST ELEVATION



PROPOSED SOUTH ELEVATION

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- MATERIALS KEY**
- M1 → HERITAGE RED BRICK (TO MATCH EXISTING)
 - M2 → SLATE ROOF TILES (TO MATCH EXISTING)
 - M3 → NEW WHITE TIMBER WINDOWS
 - M4 → NEW OFF-WHITE RENDER TO REPLACE EXISTING
 - M5 → BRICK DETAILS (TO MATCH EXISTING)
 - M6 → DARK GREY METAL RAINWATER GOODS
 - M7 → DARK GREY METAL CLADDING
 - M8 → DARK GREY METAL WINDOWS
 - M9 → DARK GREY METAL ROOFLIGHTS
 - M10 → DARK GREY METAL WINDOWS - FROSTED
 - M11 → DARK GREY METAL DOORS
 - M12 → TIMBER DOORS
 - M13 → TIMBER CLADDING (DARK GREY / WEATHERED)
 - M14 → PORTICO (TO REMAIN)
 - M15 → BRICK BOUNDARY WALL

revision	date	description	drawn	chk'd
07	06.11.23	REVISED FOLLOWING COMMENTS		
06	08.09.23	REVISED FOLLOWING COMMENTS		
05	06.09.23	REVISED FOLLOWING COMMENTS		
04	23.03.23	REVISED FOLLOWING COMMENTS		
03	21.03.23	REVISED FOLLOWING COMMENTS		
02	16.03.23	REVISED FOLLOWING COMMENTS		
01	11.03.23	REVISED FOLLOWING COMMENTS		

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project
RESIDENTIAL DEVELOPMENT
 100 - 102 MAIN STREET, FULFORD, YO10 4PS
 drawings
PROPOSED ELEVATIONS

date: 27/10/22 status: PLANNING

scale: 1:100 sheet size: A1

job number	site	zone	level	type	date	drawing number	rev
22060-	VB-	ZZ-	ZZ-	DR-	A-	1300	07

COMMITTEE REPORT

Date: 17 January 2024 **Ward:** Fulford And Heslington
Team: East Area **Parish:** Fulford Parish Council

Reference: 23/00283/FUL
Application at: Fulford Flood Alleviation Scheme Pt Fulford Ings And Pt Playing Fields Selby Road York
For: Flood alleviation scheme comprising a pumping station and associated inlet structure, control kiosk, access track and parking area; culvert under Selby Road; outfall structure and floodwall alignment and penstock across Germany Beck; two earth flood embankments, and a temporary construction compound and tree works within the Fulford Conservation Area
By: City Of York Council
Application Type: Full Application
Target Date: 15 December 2023
Recommendation: Approve

1.0 PROPOSAL**Site**

1.1 The application site includes land either side of the A19 (Selby Road), to the immediate south of the village of Fulford. The land within the red line to the east side of the A19 includes the north end of Fordlands Road Play Area (allocated as existing open space within the Draft Local Plan). This local park has a playground for younger children, outdoor gym, basketball hoop and hardstanding and a small informal football pitch with timber goals. It is bounded by mature trees on its southern and west boundary with the A19.

1.2 Germany Beck runs east to west along the north boundary of the play area, set approximately 4m below the level of the playing field, with steep embankments down to a flat bottomed valley, before dropping further to the Beck itself. The embankments comprise scrub habitat with willow, hawthorn and alder. The Beck then flows through a stone opening, 'Stone Bridge', through a culvert under the A19 towards Fulford Ings to the east and the River Ouse beyond. The junction of the A19 with the new access into Germany Beck Residential Development, 'Thornton Road', is raised high above the Beck and is bounded by

substantial brick stone capped floodwalls on either side of the A19 and along the south side of Thornton Road.

1.3 Land within the northern part of the red line boundary falls within Fulford Village Conservation Area (the stone bridge and land to the north of the watercourse). The land forming the eastern extent of the application site is within Fulford Ings Site of Special Scientific Interest. The floodwalls sit high above the level of the land below. Here the Beck flows through low lying land, in a channel circa 1m deep. Landing Lane provides vehicular access towards the river and the site boundary extends south, into rough grass farmland with individual trees and hedgerows.

1.4 The site is within Flood Zone 2 and 3 and lies within the defined Green Belt (as amended 2022). The site is not in the formal CYC designated areas of archaeological importance, nor relate to any scheduled monuments. However the general area along Germany Beck from East Moor to Middlethorpe Ings has long been assumed to be the site of the Battle of Fulford, between the Vikings and English army in 1066. However it is not currently a 'Registered Battlefield', designated by Historic England.

1.5 The development site area is 0.88ha, therefore the proposal falls outside Schedule 2, Section 10 (h) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as the site area is less than 1 hectare. There is no requirement for an Environmental Impact Assessment and no requirement to undertake a scoping exercise.

Proposal

1.6 Planning permission is sought by the City of York Council for flood alleviation works in the Germany Beck flood cell (an area where the flood risk can be addressed independently of areas up and downstream). The following works are proposed:

- A pumping station (10m x 10m) with trash screen, discharge chamber (3m x 5.8m) and control kiosk (2.6m x 4.4m). Vehicle access including a new dropped kerb access will be required and a new 110 m² area of levelled hardstanding will be created to the immediate south of the pumping station and a 45m² parking area with a 35m² turning head above the Tunnel Drain headwall, with grasscrete or similar material. Handrailing and access steps will be provided around the perimeter of the pumping station.

- Pumping station outfall structure constructed to the west of A19 Selby Road and south of the Germany Beck. The outfall structure will measure approximately 1.75m in height, 2.2m deep with a backwall width of 2m and apron width of 3.77m (excluding steps). The back wall of the structure will be 0.80m offset from the new sheet pile floodwall. Steps will be constructed from the level of the A19 Selby Road to the top of the headwall unit and then steps from the top of the headwall to the apron. The top of the headwall unit will be level with the bottom of the existing bank in the SSSI. The invert of the outfall will be at 5.89m Above Ordnance Datum ("AOD"), approximately 0.39 m higher than the existing Germany Beck bed level.
- Floodwall alignment across Germany Beck to the west of A19 Selby Road - A new 11m long sheet pile floodwall offset from the existing wall by approximately 4m and tying into the existing wall at either end. An actuated penstock will be fitted to the new flood wall within the Germany Beck channel, which will be closed when the levels rise above 7.50mAOD to prevent flooding in Fulford from the River Ouse via Germany Beck. The actuator will be housed on the platform between the new and existing flood walls.
- Flood embankment east of A19 Selby Road - A low level flood embankment will be constructed within the Playing Field to the east of A19 Selby Road. The embankment will tie into the proposed pumping station and natural high ground level in the playing field. The embankment will be approximately 31m long, 0.35m high, 4m wide crest and 6.4m wide at its base. The embankment will be constructed with cohesive earth fill and seeded topsoil. A surface water drain is diverted around the footprint of the pumping station and power cable will be diverted around the footprint of the embankment. A new headwall for the Tunnel Drain culvert outfall will be constructed immediately east of the proposed pumping station. The existing outfall is a concrete headwall with flap-valve arrangement and the new relocated structure will replicate this.
- Earth flood embankment south of Landing Lane and west of A19 Selby Road - A low level flood embankment will be constructed within the agricultural field to the south of Landing Lane. The embankment will tie into high ground associated with Landing Lane and natural high ground level in the field. The embankment will be approximately 20m long, with

a 4m wide crest and 1 in 4 slopes. The embankment will be constructed with cohesive earth fill and topsoil seeded with grass.

- Temporary construction compound and construction access - utilising a small area of existing playing field with access from Fulford Road.
- Tree works – removal of 21no. individual trees, 2no. full tree groups and 3no. part tree groups.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The revised National Planning Policy Framework (NPPF) 2023 (“the NPPF”) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application. Key chapters and sections of the NPPF are as follows :

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

DRAFT LOCAL PLAN (2018)

2.2 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024. The following policies are relevant;

DP2 – Sustainable Development

DP4 – Approach to Development Management

D1 – Placemaking

D2 – Landscape and Setting
D4 – Conservation Areas
D6 – Archaeology
D7 – Non-Designated Heritage Assets
GI1 – Green Infrastructure
GI2 – Biodiversity and Access to Nature
GI3 – Green Infrastructure Network
GI4 – Trees and Hedgerows
GI5 – Protection of Open Space and Playing Fields
GB1 – Development in the Green Belt
ENV2 – Managing Environmental Quality
ENV3 – Land Contamination
ENV4 – Flood Risk
ENV5 – Sustainable Drainage
T1 – Sustainable Access
T8 – Demand Management

3.0 CONSULTATIONS

3.1 The final received consultation responses are listed below;

INTERNAL CONSULTATIONS

Design Conservation and Sustainable Development (City Archaeologist)

3.2 Detailed advice (set out within the archaeology section) but recommend conditions with regards to a Written Scheme of Investigation, archaeological building recording and a scheme of interpretation for the Battle of Fulford.

Design Conservation and Sustainable Development (Ecologist)

3.3 No objections but recommend conditions with regards to a CEMP, invasive non-native species method statement and LEMP.

Design Conservation and Sustainable Development (Landscape Architect)

3.4 Result in significant loss of existing tree cover either side of Fulford Road. The loss is over a relatively short stretch, although one that is exposed to a busy main road into the city centre. The main amenity value of the trees is their contribution to the natural setting of Fulford village (and conservation area) and

the association with Fulford Ings. None of the trees are currently subject to a tree preservation order (TPO). All trees to the north of Germany beck are located within Fulford conservation area.

3.5 The removal of trees appears to be unavoidable, therefore in light of the apparent necessity to implement the flood alleviation scheme, the proposed development is likely to outweigh the harm resulting from the loss of the trees, with the provision of suitable mitigation.

3.6 The landscape proposals and planting schedule is appropriate, however if the Ash (T19) cannot be saved (due to underlying structures and drainage runs), a semi-mature specimen tree, of the parish council's choosing, should be included within the red line to the south of the vehicle route if easements allow, or elsewhere, if not.

3.7 There is also new tree planting by the Environment Agency which will mitigate the effects of loss as viewed from the recreation ground. Unfortunately, the location of the proposed structure excludes new roadside tree planting.

3.8 Any mitigation landscape works to the west of the A19 are agreed with Natural England and CYC Senior Ecologist and countryside officer, since the value of the SSSI is the overarching factor in that area.

Design Conservation and Sustainable Development (Conservation)

3.9 Development Management to assess.

CYC Forward Planning

3.9 Although the Publication Draft Local Plan showed the Recreation Field as being outside the Green Belt, consideration should be given to the Wedgewood Decision, in terms of its Green Belt status. Additionally, subsequent Modifications to the Local Plan, including the recent Main Modifications consultation shows the site as being within the Green Belt. Therefore, the application should be judged against paragraphs 149 & 150 of NPPF. Engineering operations are acceptable uses in the Green Belt, although the case officer must make a decision on whether the associated structures, such as the control kiosk would fall within the scope of engineering operations, in relation to this scheme.

Flood Risk Management Team

3.10 Following on from the submission of Revision 2 of the Flood Risk Assessment, from a flood risk and drainage point of view the Flood Risk Management Team has no objection to the proposed flood defence/resilience scheme.

3.11 Recommend conditions with regards to compliance with flood risk assessment, adoption and maintenance and easements.

Highways

3.12 No objection in principle to the proposed access / parking arrangement. The applicant may wish to provide a wider entrance to prevent damage to the vehicles and/or gateposts when entering or exiting the site.

Public Protection

3.13 Land Contamination - The applicant has submitted a Ground Investigation report. This report demonstrates that the condition of the land is suitable for the proposed use. Recommend an unforeseen land contamination condition.

3.14 The applicant has submitted a Construction Environmental Management Plan. Although this plan does have some controls in place for controlling noise and dust emissions there are insufficient details on the controls that will be put in place to minimise noise and vibration during piling works. Recommend a CEMP condition.

3.15 The proposal includes the installation of a pumping station on site therefore this department would recommend a condition with regards to noise.

Public Rights of Way Team

3.16 Providing the comments made by PROW in our original submission regarding accommodation of the public rights of way and any access impacts mitigated then we have no further comments.

Original comments: There are two recorded public footpaths running just outside of the proposed planning boundary known as Fulford 8 (5/8/10) and Fulford 23 (5/23/10). Although these rights of way are outside the planning boundary it seems the planned works could impact the access to them. Therefore, we would like to see them accommodated and any access impacts mitigated within the development plans. Further, if the works mean there is a need to temporarily close the public footpaths on

safety grounds. During and after construction the surface of the footpaths must not be affected for example by drainage across the path or unauthorised vehicle use. If the proposed development results in a deterioration of the current surface of the public footpaths, you will be expected to restore the surfaces to how they were (or improved) before construction started. Similarly, the development must not reduce the current width of the footpaths or interrupt access.

EXTERNAL CONSULTATIONS

Environment Agency

3.22 No objection to the works as long as the development is carried out in accordance with the submitted flood risk assessment.

3.23 The drawing referenced 60651369-ACM-XX-XX-C-DR-1006 shows an activate penstock, if designed electronically there will need to be a contingency plan in place in case of a power failure.

3.24 A Construction Environmental Management Plan, including an invasive non-native species management plan will be required to demonstrate how construction related impacts of the development will be avoided and what treatment measures and management will be implemented to eradicate INNS on the site.

3.25 Recommend a biodiversity net gain informative.

Fulford Parish Council

3.26 Supports the objectives of the scheme to provide much needed flood protection to homes and roads in the vicinity of Germany Beck. Further comments;

- Loss of public open space – owned by the Parish Council and used as informal recreation of the past fifty years. Parish Council recommends further discussions are held with the Applicant in order to investigate whether compensatory land could be offered.
- Impact on green belt – cause some further loss of openness, particularly the pumping station kiosk and car park.
- Impact on heritage – If adequate planting is carried out, the harm to the Conservation Area and to its landscape setting would be less than

substantial. Parish Council agrees with response from Historic England in that the harm to the significance and appreciation of the battle site would be less than substantial, which should be weighed against the public benefits. The memorial stone will need to be relocated but this presents an opportunity to restore the stone and place it in a more accessible and suitable location.

- Landscaping/loss of trees – tree survey does not appear to be available. The loss of trees is regrettable but significant new planting is proposed to offset the landscape impact. Parish Council recommend larger specimen trees are planted rather than smaller saplings. Recommend the kiosk is screened. T19 is regrettable marked for removal and question whether it is necessary.
- Invasive Species – proposed treatment/management of Himalayan Balsam and Nutall's waterweed to provide a net benefit to biodiversity is welcome. Recommend HB eradication is extended further upstream.
- Significant benefits that should be weighed against the overall harm that will result from the scheme.

3.27 A further consultation response was received 11th December 2023. Fulford Parish Council supports the objectives of the proposal but highlights some points arising from the Committee Report. Photos are provided by the Parish Council.

- Parish Council disagrees with the assessment at 5.46 with regards to the replacement of public open space. The Parish Council state the topography doesn't mean that the space is unusable. The pathways around the bridge area are well used for recreation and the public is able to access both the lower lying areas as well as the areas on higher ground.
- The Parish Council state a footpath runs alongside Germany Beck linking the Fordlands Bridge area all the way to Tunnel Drain - and from there up the slope to the open space. These footpaths are accessible and very well used. Following development, the paths around Tunnel Drain will be lost and the link to the riverbank path will be broken; the path will come to a dead end, with walkers having to turn back when they start to approach the Tunnel Drain area.
- Whilst the wooded area adjacent to Tunnel Drain is somewhat less accessible, it provides a valuable visual amenity for the public, as does the area adjacent to the A19 where a new parking and turning area is proposed.

- The Parish Council states the replacement landscaping will not increase the recreational value and instead will mitigate against the loss of a large number of trees.
- The recreational use around the stone bridge will be lost all together.
- Although the area of development is small compared to the overall open space area, it is nevertheless an important recreational space. It would be helpful to know exactly how much land will be permanently closed to the public following development.
- The Parish Council considers that the reasons provided in the Report for not replacing the open space are flawed and are not sufficient to justify non-compliance with Policy G15 and NPPF 99.
- Future land ownership - the Parish Council may not lawfully dispose of its land or allow land to be appropriated without complying with Section 127(2) of the Local Government Act 1972.
- Typo at 5.83 contains a small typo: A main temporary construction compound will be located within the playing field to the east of A19 and will utilise the existing playing field access from Fulford Road'. This should read – Fordlands Road

Historic England

3.27 No objection on heritage grounds. The application site is partially within the Fulford Village Conservation Area and within the area currently being reconsidered for designation as a Registered Battlefield, being the possible location of the Battle of Fulford, 1066 (further historical information provided in their consultation response). The site has undergone several phases of archaeological investigation, most recently through four geoarchaeological window samples at Germany Beck. Only one sample recorded waterlogged organic deposits, but has to be considered largely unrepresentative of the landscape at the time of the battle. A series of excavations undertaken by the Fulford Battlefield Society (FBS) has recovered a range of ferrous and non-ferrous objects potentially associated with the battle or the post-battle 'clean up' of the battlefield. However, these objects are still being investigated as part of a research project by Nottingham University and are awaiting publication and peer review.

3.28 There are a number of elements to the flood protection proposal, of varying degrees of impact on buried archaeological deposits and on the setting of both the Conservation Area and possible battlefield.

3.29 Excavation has demonstrated that the eleventh century ground surface is buried under one to three metres of medieval, post-medieval and early modern material across the Fulford Beck area, the implication being that the chief impact of the scheme is likely to be on the setting and legibility of the battlefield.

3.30 Historic England accepts the conclusion of the Heritage Impact Assessment that the impact of the proposal on the setting of the Conservation Area amounts to less than substantial harm.

3.31 Historic England has previously rejected an application for the designation of the Fulford Beck site as a Registered Battlefield, stating that 'While Germany Beck remains to be the most likely location for the Battle of Fulford, the documentary and archaeological evidence is insufficiently conclusive to make this a secure identification.' However, the discovery of a range of objects potentially related to the battle has led to a reconsideration of that application. This reconsideration of the new material is currently underway.

3.32 The Battle of Fulford may prove to be something of an exception as far as the recovery of artefacts is concerned.

3.33 The current landscape is a mixture of unmanaged riverside wetland, managed playing field and the outer edge of suburban Fulford, indicating that there has been change and modification of the landscape over time. The eleventh century landscape is at some depth below the modern ground surface.

3.34 Given these changes to the landscape and the likely depth of the eleventh century archaeological deposits, we consider that the introduction of the proposed flood defence features will not represent a dramatically negative modification.

3.35 If Fulford Beck is the location of the battle, the progress of the battle will remain legible in spite of the flood defence interventions, and therefore the impact can be considered to represent less than substantial harm to the significance of the non-designated heritage site.

3.36 However, given the recovery of possible battle-related artefacts, we strongly recommend that a comprehensive archaeological mitigation strategy is compiled by your authority, working with as many partners as possible, to specifically address the questions of the eleventh century landscape and the

battlefield. Furthermore, we would hope that the introduction of new earthwork features will be assessed to see how the new interventions can increase access to and understanding of the battlefield landscape.

Natural England

3.37 No objection subject to appropriate mitigation being secured. Natural England considers that without mitigation the application would damage or destroy the interest features for which Fulford Ings SSSI has been notified.

3.38 The ecology update report, botanical survey and aquatic ecology baseline survey satisfy the requests for further information and recommend the commitments within them contribute to an appropriate planning condition.

Northern Powergrid

3.39 No Comments received.

Ouse and Derwent Internal Drainage Board

3.40 Board removes the previous objection and is satisfied with the proposal based on the latest drawings. Recommend a condition with regards to a 4m strip from the top of the embankment and informatives regarding maintenance responsibility and consent requirements.

Sport England

3.41 Objection withdrawn. The Football Foundation is not aware of any existing affiliated football activity taking place at this site, so no impact on existing formal football is foreseen.

3.42 The proposed development results in a minor encroachment onto the playing field however having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. Sport England are of the view that the proposal broadly meets exception E3 of the Playing Fields Policy.

Yorkshire Water

3.43 Water supply – the existing mains in Selby Road will be directly affected by the installation of the culvert under Selby Road. These mains will need to be suitably protected during the construction of the culvert and any proposed method of installation signed off by Yorkshire Water Network Engineering prior to construction. The mains may require diversion if suitable clearance cannot be maintained to the new culvert.

3.44 Yorkshire Water endorse the means of surface water disposal to the watercourse.

4.0 REPRESENTATIONS

4.1 The application was advertised via neighbour notification, press notice and a site notice.

First Notification / Publicity

4.2 One letter of general comment received on the following grounds:

- Worked to ensure a flood protection scheme would minimise damage to the heritage value of the 1066 Battle site.
- The proposal fails to have sensitive design, siting and suitable mitigation.
- Several of the supporting documents are worthless.
- Recognise the need for the facility.
- Heritage and wildlife damage.
- Need for a public inquiry.
- Concerns regarding the justification for the location.
- Planners have ignored evidence this was an active water bowl habitat.
- Statutory consultees ignored available evidence.
- Breach of planning condition in relation to the Germany Beck Housing development (Battle of Fulford trail). Council agreed to discharge the condition without further consultation.
- Original plan resubmitted but may need updating to accommodate the pumping station.
- Site access road crosses a previously unrecognised Roman Road. Material should be taken from the line of this stone-paved Roman Road to create a route to the battle site.
- Flood risk to the access road should have been recognised earlier despite the many warnings and the lack of engineering logic.

- Ignoring evidence.

4.3 The letter also attached annexes with regards to a short history of the Fulford Battlefield, letter to YC from Fulford Parish Council (dated 2003), information submitted to the planning inquiry (2006), a published letter in the YEP (February 2008), submission for the reserved matters planning hearing (2012) and a letter written to the Flood Protection Officer (dated November 2021). A Battle of Fulford Visitor Trail proposal is also attached.

4.4 A further letter received by the same person with regards to the heritage desk based assessment and heritage impact assessment. The following concerns were raised;

- The quality is undermined by its failure to take note of the several heritage investigations undertaken in the immediate vicinity.
- Does not address the various published works about the Fulford Battle site location including the 2010 publication Finding Fulford nor any of the academic papers.
- Makes no reference to the Germany beck excavations which began in 2013.
- Over a sequence of 7 subsequent digs, the work revealed the presence of a well-constructed and embanked Roman Ford crossing whose identity was confirmed by local and national experts when they visited the site and was inspected by the previous York City archaeologist.
- It does not record the unique wood crossing which was repeatedly notified to the planning authorities when the care home was being proposed and this led to the destruction of the north end of this crossing because this information was ignored. (The survival of the wood in this crossing will be endangered once the periodic flooding is prevented by the pumping station).
- Dismiss the catalogue of metal as inconclusive suggests they have not studied the material.
- The identification of several hearth sites further along Germany Beck along with many part-made weapons have merited publication by the Royal Armouries among others and led to the formulation of the post-battle metal recycling hypothesis. A hypothesis cannot be termed inconclusive in this context where a partial quotation of the NPPF recognises that listed as well as unlisted sites should be protected. (The battle of Fulford is currently in the process of being assessed for designation and was at the time this report was in preparation and this fact should also have been included).
- Report must be rejected and a new assessment prepared

- Impact assessment tries to decide if the battle happened here, relying almost exclusively on outdated and often discredited assessments.
- Assessment relies on poor analysis that was presented 20 years ago on behalf of the developers.
- Under planning rules such important heritage can only be disturbed in exceptional circumstances.
- Note the civic necessity for a pumping station but this must be constructed in a way that does not impact the appreciation by future generations of this exceptional heritage.
- Conclusions that the pumping station will have minimal impact is not backed by analysis of the dynamic nature of this battle.
- The pumping station will significantly impact the heritage and only by a sympathetic location and design can this be minimised and some creative mitigations will also be needed.
- The report needs to be rewritten to include an analysis of lines of sight for visitors to the battlefield, the Roman ford crossing, which is currently covered by car parking for the proposed pumping station and the impact that the changed hydrology will have on the peat layer including the 5/6 Century wood crossing of the beck.

4.5 Former Ward Councillor Keith Aspden wrote a letter of support (dated 28 March 2023) whilst a member of the council:

- Need to see a permanent solution for the whole area including the A19, Fordland's Road and Fordland's Crescent.
- Work must be undertaken to put an end to the upheaval and disruption caused to lives.
- The applicants have considered various forms of mitigation to offset any harm that a new pumping station will cause.
- Hope for additional trees, landscaping and community gain (such as the provision of open space and community projects) will be considered. One example could be the removal and restoration of the Battle of Fulford Memorial Stone to a more suitable and improved location.
- The stress and worry of regular flooding must be taken into account.
- Must deliver a solution which will protect hundreds of properties in the area, finally ending the significant challenges that frequent floods have brought to the community.

4.6 One general comment (2 April 2023) was received in between the two consultation periods;

- Landowner not informed and only notified by Natural England. Remains neutral but would be useful to have a full methodology and mitigation strategy in place to minimise any disturbances to the SSSI area and making good afterwards.

Second Notification

4.7 One general comment (24 April 2023) received during the second round of consultation on the following grounds;

- Much evidence that the terrain along the Germany Beck is the likely site of the battle.
- While the project is crucial for flood alleviation, implore all members of the council and development program to support the demands of the city Archaeologist. Please support her and use this project as an opportunity to locate further evidence as the likely site of the Battle of Fulford.
- Must have a strong commitment to conduct detailed archaeological surveys prior to work, including time to survey and excavate prior to development beginning and also document any evidence produced to support or abstain this as the site.

Further representation

4.8 A letter was received following publication of the committee report in December 2023. The contents of the letter are summarised below:

- Concerns regarding the justification and heritage statement.
- Condition for Battle of Fulford Trail has not yet been discharged following the Germany Beck approval.
- Consultations recommended by Historic England (13.04.2023) has not taken place.
- Mitigations to limit the visual impact on the 1066 battlefield need to form part of the approval since they might impact the design or layout.
- No artist sketch of the latest pumping station has been provided to show how the landscape will look to residents and visitors. It is not possible to assess

the impact on the landscape until this has been produced and should be provided prior to approval.

- In such a sensitive location, details of the mitigations must be incorporated into any approved design to ensure that the inevitable damage to the visual integrity of the 1066 battlefield is minimised. Final details of the above-ground installations and their visual mitigation could have followed the recommended consultation, after which the visualisations could be prepared; so both logically precede approval.
- The pumping station at St George's Field often looks like a builder's yard with a prominent gantry. Conditions must be attached to ensure that the site will blend into the landscape so it does not look like an industrial dump. Logically, any limits that will be set once a pumping station is operational need to be discussed now so that provision can be included in any approved design for the maintenance of the facility that respects the sites heritage importance.
- The extent of the area that it is intended will be fenced to prevent public access is not specified, nor is the nature of any barriers. The area sacrificed should be minimal and conditions need to be attached.
- The design and location of the berms should have formed part of the missing consultations (#1) since these elevated areas could be employed as part of the visitor experience allowing them to appreciate the complex action of the battle. If the present design is followed they will be a serious visual impediment to this important heritage, rather than an enhancement. The design and location of berms need to be modified.
- The existence of the Roman road which will be crossed by the works access is noted in the application papers. The sections of this ancient road leading down to the beck are exceptionally well constructed and some test pits should be dug prior to any works access as the road might come much closer to the surface at the place currently suggested for the works access. Furthermore,
 - a. Access to the battlesite should not be fenced off during any construction.
 - b. The possibility of revealing this Roman Monument might form part of the mitigations and also provide spoil to help construct the berms.
- Those who understand the very special archaeology of battlesites, and the need for a WSI to be approved by CYC, are important and need to be attached as conditions.

5.0 APPRAISAL

KEY ISSUES:

- Green Belt
- Design and Impact on the character and appearance of the Conservation Area and Street Scene
- Archaeology
- Trees and Landscaping
- Open Space and Playing Field
- Ecology and Biodiversity
- Public Protection
- Flood Risk
- Highways and Road Safety
- Public Rights of Way
- Very Special Circumstances

GREEN BELT

Policy

5.1 Paragraph 152 of the NPPF states “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 153 of the NPPF states “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

5.2 A local planning authority should regard the construction of new buildings in the Green Belt as inappropriate with exceptions to this set out at paragraph 154 of the NPPF. Certain other forms of development are also not inappropriate in the Green Belt under paragraph 155. This approach is repeated by policy GB1 of the Draft Local Plan (2018).

Assessment

5.3 The application site lies within the Green Belt as set out within the amended Green Belt boundaries in the Draft Local Plan (2018). The Green Belt boundary in this particular case was amended in 2022 to include all of the application site. The proposed pumping station is considered to be a building but does not fall into any of the exceptions set out in paragraph 154. The associated

infrastructure is considered to be engineering works, therefore not inappropriate development within the Green Belt providing it preserves openness and does not conflict with the purposes of including land within it (paragraph 155(b) of the NPPF).

5.4 The above ground elements of the pumping station and earth embankments being physical structures, would harm openness, both visually and spatially, therefore very special circumstances would need to be demonstrated for these elements of the development. This is explored at the end of the assessment after consideration of all main issues. The below ground works, such as the flood wall and penstock, taking into account their siting and height, are considered to preserve the openness of the Green Belt, therefore is appropriate in this instance and meets Green Belt policy.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND STREET SCENE

Policy

5.5 Section 16 of the NPPF, conserving and enhancing the historic environment, states that LPAs should sustain and enhance the significance of heritage assets, giving great weight to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage assets (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, which include registered battlefields, should be wholly exceptional.

5.6 Paragraph 208 of the NPPF states "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal."

5.7 Section 72 of the Planning (Conservation Areas & Listed Buildings) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. This is supported by Policy D4 of the Draft Local Plan (2018) which seeks to protect Conservation Areas and its setting.

5.8 Policy D1 of the Draft Local Plan (2018) relates to placemaking.

Development proposals should enhance and complement the character and appearance of landscape and open space. Proposals must take into account York's special qualities and should make a positive design contribution to the city.

Assessment

5.9 Fulford Village Conservation Area is a 'designated heritage asset' which lies primarily north of the Application Site. To the west of the bridge, the Conservation Area boundary lies to the north of the watercourse. However to the east of the bridge, the Conservation Area boundary lies to the south of the watercourse. The bridge is included within the Conservation Area.

5.10. The proposed floodwall, platform and penstock to the west of the bridge lies within the Conservation Area. These elements are fairly shielded from public view and taking into account the existing infrastructure and setting, is not considered to be harmful to the significance of the Conservation Area. The majority of the development and infrastructure, including the above ground structures, are located outside of the Conservation Area boundary, therefore the main impact is on the setting of the Conservation Area and how the pumping station and other works will affect the character and appearance, in particular on entrance into the Conservation Area.

5.11 The proposed pumping station is set down in the topography and against the existing floodwall when viewed from the east, therefore reducing its visual prominence. From Selby Road, there will be glimpsed views of the top of the pumps, however the control kiosk will be most visible. The kiosk will be constructed in brick slip cladding and is of flat roof design. Its design is appropriate for its use and whilst visible, the materials blend with the appearance of the existing brick flood walls. A condition is recommended to view brick samples prior to construction to ensure they are a suitable match within this setting. The pumps will be painted in a moss green colour to help assimilate them within the landscape. The use of grasscrete for access is considered an acceptable material choice and will not appear unduly prominent in the setting. Its use is minimal and suitable for maintenance and emergency access.

5.12 It is considered the presence of an engineered structure such as this, within a fairly verdant and semi-rural setting, presents some harm to the setting and

entrance of Fulford Conservation Area, in particular when arriving from Selby Road. However the harm is assessed as less than substantial and there are significant public benefits arising from the development (reduced flood risk). The proposal therefore meets paragraph 208 of the NPPF and policy D4 of the Draft Local Plan (2018).

ARCHAEOLOGY

Policy

5.13 Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 200 of the NPPF). Footnote 68 of the NPPF, states that “non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets”.

5.14 Policy D6 of the Draft Local Plan (2018) states development proposals that affect archaeological features and deposits will be supported where:

- i. they are accompanied by an evidence-based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present;
- ii. they will not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled Monument or other nationally important remains will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss;
- iii. they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological

site at risk; and

iv. the impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

Assessment

5.15 An archaeological desk-based assessment, a heritage impact assessment and a geoarchaeological borehole survey and palaeo-environmental assessment have been submitted as part of this application. These have been reviewed by the Council's Archaeologist. These pieces of investigation have been produced specifically in relation to all archaeological impacts and proposals of the Flood Alleviation Scheme. Previous investigations by Fulford Battlefield Society have been considered by the Council's Archaeologist.

Battlefield

5.16 This area of Germany Beck has long been assumed the site of the Battle of Fulford (1066). The battle is of national significance and is likely to have taken place in the vicinity. However, previous attempts to closely define the battlefield site to have it designated and included on the Register of Historic Battlefields have failed. In light of new evidence, a revised, smaller battlefield area has been submitted to Historic England for designation review. This decision is still pending.

5.17 The Council's Archaeologist has discussed the application with Historic England and it is agreed the site is of high significance but that the proposals are highly unlikely to hinder any future designation decision. In terms of the battlefield, until designated, the site is a non-designated heritage asset of high importance. There are possibilities within this scheme to enhance the visibility and knowledge of the battle in terms of interpretation and for a degree of archaeological excavation to take place which may further provide further evidence for specialist assessment. The proposed infrastructure for this scheme is located within the heart of the assumed battlefield. The proposal will not significantly harm the setting or legibility of the battlefield site.

Infrastructure location

5.18 Several other options for the pumping station were considered at conception stage. This scheme was identified as the preferred option. Alternative options have been set out in a Decision Summary document (AECOM March 2023). This document acknowledges potential harm to any surviving archaeological features or finds. However, overall, the preferred option scored low-medium in terms of adverse impact. Given, the other constraints to be considered and the actual adverse impact that this scheme would have on the legibility of the battlefield, the Council's Archaeologist does not object to the siting of the station in this area. The creation of the station in this location provides an opportunity for a focussed commercially funded archaeological excavation to take place on the assumed battlefield which may contribute to the evidence base and understanding of the site.

5.19 The above-ground impact of this scheme will not pose any threat to future designation of the battlefield by Historic England- currently under consideration based on Fulford Battlefield Society research and findings.

Archaeological potential

5.20 The submitted desk-based and heritage impact assessments summarise previous investigation in the area relating to Iron Age-Romano-British land use and the Battle of Fulford. The assessments describe the potential for battlefield archaeology to survive within this location as moderate. The area of the proposed pumping station is close to the location on the riverbank where the Fulford Battlefield Society found ferrous material between 2013-2019 likely related to the battlefield. This material is currently under assessment by various specialists. There is the potential to locate more of this material if it survives here during archaeological investigation ahead of construction.

5.21 The planning documents also highlight the stone arch bridge, concrete parapet bridge and the commemorative Battlefield stone as visible items of value which will be impacted upon by the proposed scheme.

5.22 Four window sample boreholes were undertaken to archaeologically assess the geology and palaeo-environmental potential in the areas of the deepest impacts of the proposed scheme. A consistent sequence of sands/gravels, organic deposits, alluvium and made/modern ground was observed across all four boreholes. Organic survival is restricted to the deeper parts of the sequence

which remains below the water table. Investigations by the Fulford Battlefield Society in 2018 suggest that a wooden feature, interpreted as a Roman ford crossing, was located within the organic layer.

5.23 A sequence from one of the locations (WS4 west side of A19) was considered good enough to sample. The results revealed a poorly humified sequence of wood peat which was radiocarbon dated and assessed for pollen. The period of sedimentation was assigned to a very specific period of early to mid-Iron-Age. The pollen was low in abundance and diversity.

5.24 The results of this survey showed a similar sequence to that noted by MAP to the north-east of the site and has also resulted in similar radiocarbon dates. It is considered that the site has low potential for the assessment of microfossil remains and no further work on the recovered samples is recommended. However, the area could be productive in terms of microfossil analysis (plants and insects) should the opportunity to gather bulk samples be presented as part of archaeological mitigation strategy.

5.25 No layers dating to the period of the battle or archaeological finds were noted in the borehole survey. Initial proposals for evaluation trenching were removed from the pre-application investigations. These were due to take place in the area of proposed the bunds, however, due to landscaping and services within these areas this would not have been productive. While further assessment and analysis is required as part of an archaeological mitigation strategy there is sufficient information at this stage to determine the application.

Archaeological Impact

5.26 The construction of the pumping station, trash screen, outfall structure, piled flood walls, and diversion of power cables and drainage have the potential to impact upon archaeological deposits. In particular, any further potential battlefield evidence, alluvial deposits which may contain archaeological features or former land surfaces and organic sediment of palaeoenvironmental interest.

5.27 Excavation for the main pumping station/kiosk structure will be to c.4.32m AOD, the tunnel drain runs alongside at a depth of 5.70m AOD while the highway drain will lie at 7m AOD. Works at these levels impact into layers of archaeological potential. It is anticipated that the creation of flood embankments, A19 car parking area and temporary works will have little to no archaeological

impact given the shallow nature of the groundworks required and the disturbed nature of the upper levels in these areas. This includes the creation of the temporary construction access route which crosses the projected line of a potential Roman (or earlier) crossing of Germany Beck observed by Fulford Battlefield Society during excavations between 2014-2019. Should the road survive beneath the playing field it is believed to be located some 2.5+m below current ground surface (which includes flood alleviation land raising) in the location of access road and will be preserved in-situ.

5.28 The construction of the pumping station, trash screen and headwall realignment will impact upon the visibility and setting of the pointed stone arch and concrete bridge parapet. The 1970s battlefield stone will also require repositioning.

Archaeological mitigation requirements

5.29 Ahead of construction bulk samples should be taken from the site to aid assessment of macrofossil remains. This may take place as part of the excavation or as a separate exercise. An archaeological excavation will be required utilising battlefield specific strategies in areas where and specialist advice required on any artefacts recorded. A metal detecting survey is also required in collaboration with battlefield specialists although it has been noted that some of the items retrieved so far have been heavily concreted which makes it difficult to locate by metal detector. The Council's Archaeologist would encourage the collaboration between the relevant commercial archaeological unit and Fulford Battlefield Society during the production of excavation strategy and during the fieldwork itself. Participation in fieldwork will be dependent on Health & Safety excavation guidelines which must be followed. A level 1 photographic recording will be required on the stone bridge arch prior to pumping station construction.

5.30 An interpretation scheme is required alongside the relocation of the 1970s commemoration stone at an appropriate vantage point to be agreed between Fulford Parish Council, Fulford Battlefield Society and City of York Council. It is envisaged that the interpretation scheme will comprise of 2-3 boards written by the Fulford Battlefield Society although the number is still to be decided. The location of these boards is still to be determined but should be in areas of highest footfall, meaningful points of interest and where landowner permissions allow. There is a proposal by the Fulford Battlefield Society for a longer trail which may

be something that can be addressed should designation be achieved. However it is not feasible or proportionate to include a trail on that scale as part of this application.

5.31 A watching brief will take place on levels thought to be modern/disturbed. The intensity of this may vary depending on location and impact. A comprehensive WSI covering all above and below-ground mitigation (photographic recording, metal detecting, sample extraction, excavation, watching brief and plans for interpretation) is required. Conditions can be added in respect of this to secure suitable mitigation in line with policy D6 of the Draft Local Plan (2018).

TREES AND LANDSCAPING

Policy

5.32 Section 15 of the NPPF seeks to conserve and enhance the natural environment. Planning decisions should protect and enhance valued landscapes and site of biodiversity and recognising the value of trees and woodland. Section 12 sets out the policy on good design, stating that development should add to the quality of the area and be visually attractive with appropriate landscaping. It highlights how trees make an important contribution to the character and quality of urban environments.

5.33 Policy D2 of the Draft Local Plan (2018) relates to landscape and setting. Development proposals will be encouraged and supported where they:

- i. demonstrate understanding through desk and field based evidence of the local and wider landscape character and landscape quality relative to the locality, and the value of its contribution to the setting and context of the city and surrounding villages, including natural and historic features and influences such as topography, vegetation, drainage patterns and historic land use;
- ii. protect and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities;
- iii. demonstrate a comprehensive understanding of the interrelationship between good landscape design, bio-diversity enhancement and water sensitive design;

iv. create or utilise opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces;

v. recognise the significance of landscape features such as mature trees, hedges, historic boundaries and other important character elements, and retain them in a respectful context where they can be suitably managed and sustained;

vi. take full account of issues and recommendations in the most up to date York Landscape Character Appraisal;

vii. include sustainable, practical, and high quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes;

viii. create a comfortable association between the built and natural environment and attain an appropriate relationship of scale between building and adjacent open space, garden or street. In this respect consideration will also be given to function and other factors such as the size of mature trees; and

ix. avoid an adverse impact on intrinsically dark skies and landscapes, townscapes and/or habitats that are sensitive to light pollution, keeping the visual appearance of light fixtures and finishes to a minimum and avoiding light spill.

5.34 Policy G14 of the Draft Local Plan (2018) Development will be permitted where it:

i. recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context;

ii. provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term and with conditions that would sustain the trees in good health in maturity;

iii. retains trees and hedgerows that make a positive contribution to the character or

setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening.

iv. does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site; and

v. supplements the city's tree stock with new tree planting where an integrated landscape scheme is required;

vi Provides suitable replacement planting where the loss of trees or hedgerows worthy of retention is justified

Assessment

5.35 The application is accompanied by an Arboricultural Impact Assessment (dated December 2022) ("the AIA"). The AIA recorded 40 tree features, including 33 individual trees and 7 tree groups. The trees on site range from young to mature trees and in good or fair condition. Tree removal is required to facilitate the development, which includes removal of;

- 5no. Category B individual trees (3no. Ash and 2no. Sycamore)
- 2no. part Category B groups (Sycamore/Common Alder and Ash/Hawthorn)
- 15no. Category C individual trees (2no. Ash, 7no. Sycamore, 4no. Hawthorn, 2no. Field Maple)
- 2no. Category C groups (Hawthorn/Ash/Sycamore and Field Maple/Hawthorn/Sycamore/Horse Chestnut)
- 1 part Category C group (Sycamore).
- 1 Category U individual tree (Field Maple).

5.36 The Landscape Architect notes the proposed development would result in a significant loss of existing tree cover either side of Fulford Road. The loss is over a relatively short stretch, although one that is exposed to a busy main road into the city centre. The main amenity value of the trees is their contribution to the natural setting of Fulford village (and conservation area) and the association with Fulford Ings. None of the trees are currently subject to a tree preservation order

(TPO). All trees to the north of Germany beck are located within Fulford conservation area - two Sycamore trees (category B above) and one Hawthorn tree (category C above) and a small section of a group of trees (G30).

5.37 A proposed landscaping plan has been submitted to include the planting of 12no. individual trees and 2no. woodland mixes, alongside flowering meadows and species rich grasslands. The higher density woodland belt, approximately 480m², is to be located to the east of the pumping station which will aid in screening from the playing field. The lower density woodland is to be sited along Germany Beck to increase tree cover at approximately 460m².

5.38 The removal of the trees is necessary in order to implement the proposed flood alleviation scheme and the harm arising from the loss of the trees is outweighed by the public benefits and mitigation put forward. The Landscape Architect finds the landscape proposals appropriate and has requested a semi-mature specimen tree, of the Parish Council's choosing, should be included within the red line to the south of the vehicle route or elsewhere if this is not feasible. This can be conditioned.

5.39 To conclude on tree and landscaping matters, it is acknowledged the removal of trees is necessary to facilitate development, which is unfortunate, however the proposed development has wider public benefits and the replacement landscaping is considered appropriate and will screen the development from public viewpoints, particularly from the playing fields. Given the generally low-lying nature of the proposal, it is considered the mitigation would reduce the visual impact of the structures fairly quickly and sufficiently thereby meeting policies D2 and G14 of the Draft Local Plan (2018).

OPEN SPACE AND PLAYING FIELD

Policy

5.40 The land to the west of the A19 is designated as existing open space – Fulford Parish Councils 'Fordlands Road Playing Fields'. Policy GI1 seeks to protect and enhance existing recreational open space. Policy GI5 of the Draft Local Plan (2018) relates to the protection of open space and playing fields. This states:

5.41 Development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost.

5.42 Where replacement open space is to be provided in an alternative location (within the area of benefit) the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped.

5.43 Development proposals will be supported which:

- provide allotments and productive land, to encourage local food production, and its benefits to education and healthy living;
- protects playing pitch provision except where a local area of surplus is indicated in the most up to date Playing Pitch Strategy;
- improves the quality of existing pitches and ensure that any new pitches are designed and implemented to a high standard and fully reflect an understanding of the issues affecting community sport and;
- provide new pitches in a suitable location that meets an identified need.

5.44 The NPPF at paragraph 103 states that 'existing open space ... and land, including playing fields, should not be built on unless: (a) an assessment has been undertaken which clearly shows the land is surplus to requirements, or (b) the loss would be replaced by equivalent or better provision in a suitable location, or (c) the development is for alternative sports and recreational provision'.

Assessment

5.45 There is a presumption against the loss of open space of recreational importance in both national and local policy. During construction there will be a temporary loss of playing field as it is proposed to utilise the existing playing field access from Fordlands Road. This is a short term arrangement and the land will be restored to open space/playing field after the pumping station is constructed.

5.46 The pumping station will be located on land which is currently open space – Fordlands Road Playing Field. Policy GI5 specifically relates to the loss of open space of recreational importance. The location of the development will result in a

small loss of amenity open space land, however when taking into account the existing topography and vegetation on site, it is not considered to be a particularly useable area of open space. Additionally the proportion of land is relatively small in relation to the wider Playing Field. Taking into account the proposed replacement landscaping, the proposal will aid in increasing the recreational value of the playing field. On planning balance and given the size, use and nature of the land it would be unreasonable to ask for replacement open space elsewhere.

5.47 With regards to the impact on the playing fields, Sport England note that the proposal adjacent to Selby Road is surrounded by trees and have the potential to meet exception E3 of Sport England's Playing Fields Policy in that the land is incapable of accommodating a pitch or part of a pitch. The Football Foundation states they are not aware of any existing affiliated football activity taking place at this site, so no impact on existing formal football is foreseen.

5.48 Sport England conclude the proposed development results in a minor encroachment onto the playing field however, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development will reduce the sporting capability of the site and broadly meets exception E3. Sport England have withdrawn their objection to the scheme.

ECOLOGY AND BIODIVERSITY

Policy

5.49 Section 15 of the NPPF, 'Conserving and enhancing the natural environment', sets a presumption against development where there would be harm to biodiversity, or have a significant effect on a habitats site unless assessment demonstrates otherwise.

5.50 The NPPF, at paragraph 186, states when determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

5.51 The site includes Germany Beck and land within the eastern extent of the Fulford Ings Site of Special Scientific Interest (SSSI).

5.52 Policy GI1 states that York's landscapes, geodiversity, biodiversity, and natural environment will be conserved and enhanced. Policy GI2 seeks to conserve and enhance biodiversity. Development should maintain and enhance rivers, banks and floodplains and other smaller waterways for their biodiversity, cultural and historic landscapes. Biodiversity mitigation and enhancement should be provided on site. Policy G14 'trees and hedgerows' recognises and protects the value to existing tree cover and hedgerows, their biodiversity value and assimilation of development into the landscape.

Assessment

5.53 The Ecological Impact Assessment (EclA) (dated December 2022) identified key ecological receptors that require mitigation during the construction and operation phases of the development.

5.54 With regards to bats, two trees were found to have a low suitability to support a bat roost. One tree with Moderate-High suitability (T13) lies adjacent to the Site in a field south of Landing Lane, and one tree with Moderate suitability (T14) is adjacent to the Site within Fulford Ings SSSI and will not be affected by the proposed development. The arboriculture contractor undertaking the works must be made aware of the potential for roosting bats so that felling can be planned accordingly, and measures can be included in the CEMP.

5.55 In terms of birds (Schedule 1) there is no suitable roosting or nesting habitat within or adjacent to the Site boundary. Barn owl (*Tyto alba*) may forage in the hedgerow features along Landing Lane to the south of the Site. Woodland, scrub and hedgerow may support common species of nesting birds. Mitigation is

required to meet legal requirements for breeding birds during the proposed development construction clearance.

5.56 European eel (*Anguilla anguilla*) was found in the baseline fish surveys throughout Germany Beck. Germany Beck supports a population of yellow/adult eels with 13 individuals caught in summer 2021. Eel size ranges were from 100 mm – 410 mm. Construction of the pumping station may impact on the upstream migration of glass eels/elvers. In channel works likely to disturb sediments along with associated vibration and noise could impede the upstream movement of juvenile eels. The key migration window of 1st May to 31st July should be avoided to reduce any potential impacts.

5.57 Construction of the pumping station and outfall may impact water vole if they have colonised the area to be affected since previous surveys. No burrows were found within or immediately adjacent to the Site in previous surveys (the nearest water vole field sign was approximately 20 m away from the works), however water vole may have dug new burrows in the intervening period since the previous survey in 2020 if conditions along the beck remain suitable. A pre-construction water vole survey will be undertaken to confirm the continued absence of burrows within the site. If active water vole burrows are found to be present, an appropriate mitigation strategy will be designed and implemented for temporary impacts on water vole habitat.

5.58 Suitable habitat for reptiles is present within the site although significant populations are unlikely to be present given the habitat types and limited extent. The habitats within and adjacent the Site have some value for hedgehog and common toad and habitat will remain available in the wider area. This species group is included in the assessment due to the low risk of accidental killing and injury during vegetation clearance within the site, therefore mitigation measures to ensure legislative compliance will be adopted.

5.59 Specific mitigation measures are set out at 7.1 in the report, however to ensure the identified impacts can be managed to an appropriate level, as detailed within EclA, embedded and specific mitigation will primarily be provided via a finalised Construction Environmental Management Plan, to include appropriate engineering (i.e., fish-friendly pumps) and a programme of habitat mitigation and enhancement.

5.60 Although an outline CEMP has been provided in support of this application, a finalised document should be secured through a planning condition, as recommended by both the Council's Ecologist and the Environment Agency. It is recommended that the CEMP is viewed as a working document and is reviewed and updated throughout the construction programme to ensure its relevancy.

5.61 The site includes Germany Beck and land within the eastern extent of the Fulford Ings SSSI. The SSSI is described in AECOM's Botanical Survey of Compartment 7 of Fulford Ings Site of Special Scientific Interest' (July 2021) as 'an important example of flood plain mire and comprises four management units (4-7)'. The proposed works would be located in component 7.

5.62 The formal citation for the SSSI states that Fulford Ings is important for its sequence of plant communities which reflect the topography and hydrology, with alluvial grassland on higher ground, adjacent to the flood bank, a transitional zone of rich fen meadow, and swamp in the most low-lying areas furthest from the river. Such a sequence of plant communities is now uncommon as a result of the drainage and fragmentation of wetlands and the fact that it remains largely intact at Fulford Ings is of particular importance. This sequence of vegetation is represented within the SSSI as a whole, with the actual vegetation present varying unit by unit.

5.63 The SSSI is protected under the Wildlife and Countryside Act 1981. Statutory and public bodies have a general duty to take reasonable steps to further the conservation and enhancement of the special feature of SSSIs. The last condition assessment reported for Unit 7 of Fulford Ings SSSI was completed in 2011 (Natural England, 2021). This records that the unit is in 'unfavourable – declining condition'. The reasons given for this relate to colonisation by invasive plant species and unspecified inappropriate land management regimes. This indicates that both lack of grazing and overgrazing are management issues affecting the condition of some areas of the SSSI. Linked to this, the LBAP (Local Biodiversity Action Plan) also identifies an increase in species-poor reed sweet-grass swamp (one of the reasons for designation of the SSSI) in recent decades as a result of the reduced grazing of parts of the SSSI. Further, it is considered that certain notable communities and species will not recover until these significant management issues are addressed.

5.64 The report concludes that neither the proposed ground investigations or the wider proposed works are likely to adversely affect the botanical integrity of the wider Fulford Ings SSSI and adjacent land. Adverse impacts and effects on wetland vegetation communities beyond the immediate footprint of the proposed works are unlikely. The proposed works do not represent a significant threat to the nature

conservation importance and integrity of Fulford Ings SSSI. The affected S5 swamp

community is of inherently low botanical diversity and the community is of limited structural diversity and complexity. Its main value relates solely to the contribution it makes to the wider sequence of wetland habitats. Suitable mitigation is proposed including; gaining third party consent (outside of the planning process), ensuring suitable timing of the works, producing an invasive non-native species management plan and site reinstatement and monitoring.

5.65 To conclude on ecological matters, it is not considered that the works would represent a significant threat to the importance and integrity of the SSSI. The Ecologist and Environment Agency recommend an updated CEMP to be secured by condition. Additional conditions such as an invasive non-native species method statement and LEMP have also been added. The proposal is considered to meet paragraph 186 of the NPPF and policy G12 of the Draft Local Plan (2018) with regards to conserving and enhancing the natural environment.

PUBLIC PROTECTION

Policy

5.66 Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site. Noise should be mitigated and potential adverse impacts kept to a minimum. This is supported by policy ENV2 of the Draft Local Plan (2018) which seeks to ensure development will not unacceptably harm the amenities of existing and future neighbours of the site including adverse noise, vibration and artificial light.

5.67 Policy ENV3 of the Draft Local Plan (2018) relates to land contamination. Planning applications must be accompanied by an appropriate contamination risk assessment.

Assessment

5.68 The proposed pumping station has the ability to produce some noise during operation. As such the Public Protection Team recommend a condition to ensure noise emissions are controlled. This has been added.

5.69 With regards to construction noise and dust, the current Construction Environmental Management Plan dated 23/12/22, does have some controls in place for controlling noise and dust emissions however there are insufficient details on the controls that will be put in place to minimise noise and vibration during piling works. The Public Protection Team require a new CEMP via condition which has been added.

5.70 A ground investigation report accompanies the application (60615369-ACM-X-XX-RP-GT-4003) which demonstrates the land is suitable for the proposed use. A unexpected land contamination condition is therefore sufficient in this instance.

FLOOD RISK AND DRAINAGE

Policy

5.71 Policy ENV4 of the Draft Local Plan (2018) relates to flood risk. Development proposed in areas of flood risk must be informed by an acceptable site specific flood risk assessment, following the Sequential Test and, if required, the Exception Test.

5.72 Proposals located in areas known to be at risk from any form of flooding must demonstrate that:

- i. there is no direct or cumulative increase in flood risk locally or elsewhere in the catchment arising from the development; and,
- ii. The development will be safe during its lifetime with arrangements for the adoption, maintenance and management of any mitigation measures identified in a management and maintenance plan

5.73 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere (paragraph 165 of the NPPF). Development proposals must meet the sequential test and exception test in order to be granted (paragraph 167 and 170 of the NPPF).

5.74 Policy ENV5 relates to sustainable drainage and seeks to promote SuDS. The type of SuDS use should be appropriate to the site in question and should ensure that there is no pollution of the water environment including both ground and surface waters.

Assessment

5.75 The red line application site boundary spans both Flood Zone 2 and 3. Part of the site is located within Flood Zone 3b, categorised as a functional floodplain, comprising land where water has to flow or be stored in times of flood. The development is designed to reduce flood risk, therefore its location is site specific and the sequential test is passed. It is not possible for the development to be located in an area with a lower risk of flooding. The pumping station and associated works is 'essential infrastructure' in Table 2: Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF. Essential infrastructure in Flood Zone 3 must then pass the exception test.

5.76 The FRA suggests that during construction, the temporary construction compound will be located on higher ground in Flood Zone 2 within the playing field but some temporary construction activities must be undertaken in Fulford Ings (Flood Zone 3) due to the nature of flood control projects. It is recommended that contractors subscribe to the Environment Agency Flood Warning system in order to be alerted of potential floods and to stop work on site.

5.77 During operation, the pumping station will be operated automatically using water level sensors so that the penstock closes and first pump switches on when river levels reach 7.50m AOD. If the upstream level rises further to 8.00m AOD then the first of the larger pumps will switch on and above 8.42m AOD both larger pumps will run. Using telemetry will reduce the risk of delayed operation or operator error and reduce risk to operators during a flood event, although a manual override will enable flood response teams to override the telemetry if required. The telemetry system will alert flood response teams should any

element of the pumping station fail to operate as planned, at which point there will still be significant freeboard before a flood gate must be closed to complete the line of passive defence and protect the A19 (Flood Risk Assessment, revision 2, dated 17th October 2023 – page 8).

5.78 The road access via the A19, the parking area for the pumping station, the pumping station control kiosk and penstock actuator are all located behind the line of passive defence, should manual intervention be required during operation. The kiosk which houses the critical controls and any water-sensitive equipment additionally has a floor level of 10.54m AOD, which is the 0.1 % AEP 2039 CC flood level on the River Ouse, to protect the controls from extreme flooding beyond the design event. The roof and upper debris screen landing of the pumping station structure is 8.73m AOD, which is above the water level given the pumps shall maintain a level of 8.42m AOD; the roof and landing can therefore be accessed during a flood event to clear the debris screen if required. The lower landing is positioned at 7.42m AOD, which is below the level at which the penstock closes and low flow pump switches on, so must be maintained adequately preceding a flood event. (Flood Risk Assessment, revision 2, dated 17th October 2023 – page 9).

5.79 The Flood Risk Assessment states the new flood defences will improve the Standard of Protection to the 1% AEP 2039 Climate Change event in line with other flood cells delivered by the EA. Flood waters that previously flooded Fulford from the River Ouse will now be contained to a higher level. It is acknowledged that as a result of this proposal, the results showed that for the 1% present day, and the 1% AEP 2039 climate change event, the Germany Beck works would raise water levels in the River Ouse by 1mm beyond the impact of the works in other flood cells. As a result of this 1mm, one additional property in Cell B8 was now deemed at risk, however properties in the affected area have already received Property Level Resilience funding through the York FAS.

5.80 The Flood Risk Management Team recommend a condition requiring details of adoption and maintenance of the flood defence. It is believed discussions are ongoing with the IDB and CYC about maintenance and clearance of the debris screens to ensure there isn't a breach or failure of the flood defence. The condition has been added, alongside a drainage easement strip condition. Yorkshire Water recommend conditions to protect the public sewer network which have been added.

5.81 The development would provide wider sustainability benefits to the community and the development will be safe for its lifetime taking account of the vulnerability of its users and will reduce flood risk overall. Whilst it is acknowledged a dwelling in Cell B8 will be deemed at risk as a result, it is understood this property already benefits from flood defences. The proposal therefore passes the exception test and meets paragraph 170 and 171 of the NPPF and policy ENV4 of the Draft Local Plan (2018).

HIGHWAYS AND ROAD SAFETY

Policy

5.82 Policy T1 of the Draft Local Plan (2018) requires safe and appropriate access, layout and parking arrangements. Development will be supported where it is in compliance with the Council's up to date parking standards (policy T8). Paragraph 115 of the NPPF states development should only be prevented or 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.

Assessment

5.83 A main temporary construction compound will be located within the playing field to the east of A19 and will utilise the existing playing field access from Forlands Road. This is a temporary arrangement and likely to be short term. A further smaller temporary construction compound will be located off Landing Lane (utilising an existing access).

5.84 In terms of permanent features, the proposal seeks the creation of a new dropped kerb and access from Selby Road (A19) in order to reach the vehicular parking area. It is understood this will be used periodically for maintenance and emergency access for the pumping station.

5.85 The Highways Officer requested visibility splays appropriate to 40mph and pedestrian visibility splays. The vehicle swept path analysis for the largest expected vehicle to be used for operation and maintenance demonstrates that there is sufficient manoeuvring space in the parking area to provide exit and entry in a forward gear.

PUBLIC RIGHTS OF WAY

Policy

5.86 Policy GI3 of the Draft Local Plan (2018) seeks to protect and enhance the amenity, experience and surrounding biodiversity value of existing rights of way, national trails and open access land.

Assessment

5.88 A public right of way (5/8/10) lies to the south west, but outside of the application site boundary. It is not considered that the proposed development would detrimentally impact the amenity or recreational value of the public right of way.

VERY SPECIAL CIRCUMSTANCES

5.89 NPPF paragraph 153 states that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

5.90 Very special circumstances need to be demonstrated for the above ground physical structures that would impact on the openness of the Green Belt. The following harm has been identified:

- The pumping station and earth embankments would harm the openness of the Green Belt, both visually and spatially.
- Felling of 21no. trees, 2no. groups and part of 3no. tree groups.
- Less than substantial harm to the setting of Fulford Conservation Area.
- One additional property (in cell B8) would be deemed at risk as a result of the proposal (although the property already benefits from flood defences as part of the wider FAS).
- Minor habitat loss

5.91 The following considerations and benefits are put forward to justify the proposal:

- Reduced flooding and improvements to accessibility into and out of Fulford, including the A19 (Selby Road), Fordland's Estate and the Cemetery.
- Increased protection for residential dwellings on the Fordland's Estate and Selby Road.
- Will provide a Standard of Protection (SoP) up to and including the 1% AEP 2039 climate change event in line with other flood cells delivered by the EA as part of the York Flood Alleviation Scheme.
- The archaeological investigation will provide additional information about the area in general.
- A scheme of interpretation for the Battle of Fulford.
- High quality landscaping scheme in the immediate area.
- Biodiversity enhancements including the treatment and management of invasive non-native species.
- Management of the habitat within the SSSI to seek to contribute to the restoration to a favourable condition (currently unfavourable).

5.92 Significant weight is attached to the wider public benefits of reducing flood risk in this area. The proposals for a flood alleviation scheme are clearly justified and necessary. It is a matter of planning judgement and even when attaching substantial weight to the harm to the Green Belt, cumulatively there are very special circumstances which, as is required by the NPPF, clearly outweigh the harm to the Green Belt. It is considered to be a ground for very special circumstances which justifies the development.

6.0 CONCLUSION

6.1 The proposals for the flood alleviation scheme are clearly justified and necessary in this location. The development would provide wider sustainability benefits to the community and reduce flood risk overall, in particular around the A19 (Selby Road), Fordland's Estate and the Cemetery. Whilst it is acknowledged a dwelling in Cell B8 will be deemed at risk as a result, it is understood this property already benefits from flood defences. The proposal therefore passes the sequential and exception tests in relation to flood risk.

6.2 The site lies within the Green Belt. Whilst engineering operations are classed as appropriate in the Green Belt, they must still preserve the openness. It is considered the above-ground structures such as the kiosk, would harm the Green Belt visually and spatially. However very special circumstances have been identified to outweigh the harm to the openness arising from the above ground physical structures.

6.3 The overall design and material choice of the infrastructure is suitable for its use, including matching brick slips and moss green pipework. However it is considered the presence of an engineered structure, within a fairly verdant and semi-rural setting, presents some harm to the setting and entrance of Fulford Conservation Area, in particular when arriving from Selby Road. The harm is assessed as less than substantial and there are significant public benefits arising from the development.

6.4 With regards to archaeology, the proposed infrastructure will not significantly harm the setting or legibility of the battlefield site. The above ground impact will not pose any threat to future designation of the battlefield. The development has the potential to impact upon archaeological deposits and mitigation is therefore recommended which is secured by condition.

6.5 The development will be located on land currently designated as open space – Fordlands Road Playing Field, however taking into account existing topography and vegetation, the proportion of land to be used is small and currently not useable for recreational importance. The proposed replacement landscaping, will aid in increasing the recreational value of the playing field, on planning balance and given the size, use and nature of the land it would be unreasonable to ask for replacement open space elsewhere.

6.6 The removal of trees is necessary to facilitate the development, however the replacement landscaping is considered appropriate and will screen the development from public viewpoints, particularly from the playing fields. Public protection matters such as noise and dust can be controlled by condition. A new access from Selby Road is required for periodic maintenance and emergency access to enter a vehicle parking area for contractors. Members will be updated at committee with regards to the Highway Officers updated comments.

6.7 The Ecological Impact Assessment identified key ecological receptors that require mitigation during the construction and operation phases of the

development. Neither the proposed ground investigations or the wider proposed works are likely to adversely affect the botanical integrity of the wider Fulford Ings SSSI and adjacent land. The Ecologist and Environment Agency recommend an updated CEMP to be secured by condition. Additional conditions such as an invasive non-native species method statement and LEMP have also been added. The natural environment is therefore conserved and enhanced.

6.8 On planning balance and taking all matters into consideration, including attaching substantial weight to the public benefits arising from the development, the application accords with the provisions of national planning policy and policies within the Draft Local Plan (2018) and is therefore recommended for approval subject to conditions.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Site location plan - Re: 60651369-ACM-XX-XX-DR-C-0011, revision P01, dated 02/12/2022.

General Arrangement - Pumping Station and Outfall - Re: 60651369-ACM-XX-XX-DR-C-1001 Revision P03 - dated 06/09/2023.

General Arrangement Site Plan - Re: 60651369-ACM-XX-XX-DR-C-1000, revision P01, dated 02/12/2022.

General Arrangement Landing Lane - Re: 60651369-ACM-XX-XX-DR-C-1002, revision P01, dated 02/12/2022.

Pumping Station Elevation Looking South from Germany Beck - Re: 60651369-ACM-XX-XX-C-DR-1004, revision P01, dated 08/12/2022.

Pumping Station Elevation Looking West from Playing Field - Re: 60651369-ACM-XX-XX-C-DR-1005, revision P01, dated 08/12/2022.

Pumping Station Elevation from A19; Re: 60651369-ACM-XX-XX-C-DR-1007, revision P01, dated 08/12/2022.

Pumping Station Elevation Looking North from Proposed Parking Area: Re:

60651369-ACM-XX-XX-C-DR-1010, revision P01, dated 16/02/2023.

Pumping Station Section towards Selby Road: Re: 60651369-ACM-XX-XX-C-DR-1008, revision P01, dated 08/12/2022.

Pumping Station Section looking East towards Field: Re: 60651369-ACM-XX-XX-C-DR-1009, revision P01, dated 08/12/2022.

Outfall Elevation: Re: 60651369-ACM-XX-XX-C-DR-1006, revision P01, dated 06/12/2022.

Playing Field - Earthworks Sheet 1 of 2 - Re: 60651369-ACM-XX-XX-DR-C-1504 Revision P03 - dated August 2023.

Playing Field - Earthworks Sheet 2 of 2 - Re: 60651369-ACM-XX-XX-DR-C-1505 Revision P01 - dated June 2023.

Landscape Layout Plan - Re: 60651369-ACM-ELS-S1-DR-LV-0001, revision P02, dated 19/12/2022.

Flood Risk Assessment - Re: 60651369 Revision 2 dated 17th October 2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 No development shall take place until details of the means of operation, management, repair and maintenance of the flood defence/resilience works, and associated apparatus have been submitted to and approved by the Local Planning Authority. Details to include; plans and schedules showing the flood defence/resilience works and associated apparatus to be vested with the relevant Statutory Undertaker/s, land owner and highway authority with a clear understanding of who will operate, repair and maintain at their expense, and any other arrangements to secure the operation and maintenance of the approved scheme. The development shall be carried out in accordance with the approved details.

Reason: To prevent the increase risk of flooding and to ensure the future maintenance of the scheme throughout the lifetime of the development.

4 No development or archaeological investigation shall take place until a written scheme of investigation (WSI) for all outlined archaeological works has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

A programme of post-determination archaeological mitigation, specifically an archaeological watching brief, metal detecting survey and excavation is required on this site.

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

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

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

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction, in accordance with Section 16 of the NPPF.

5 A programme of archaeological building recording, specifically a written description and photographic recording of the stone arch bridge and any other historic bridge fabric to Historic England Level of Recording 1 is required for this application.

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

A) The programme of recording and reporting shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

Reason: The buildings on this site are of archaeological interest and must be recorded prior to alteration or covering of fabric, in accordance with Section 16 of the NPPF and Policy D7 of the Draft Local Plan (2018).

6 A scheme of interpretation relating to the Battle of Fulford is required for this application. The scheme should be agreed between the LPA, Fulford Battlefield Society and any other interested parties, prior to implementation and submitted to and approved in writing by the Local Planning Authority. The scheme should be ready for installation no later than 4 months, unless agreed with the LPA, following the construction of the pumping station and associated infrastructure.

Reason: The site is considered to be an area of archaeological and historic interest, therefore in accordance with Section 12 and 16 of the NPPF, a scheme of interpretation is required.

7 CEMP - BIODIVERSITY

No development shall take place (including enabling works, ground works and vegetation removal) until a finalised CEMP has been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The construction environmental management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The CEMP shall include, but not be limited to, the following elements:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) Specifications for root protection areas for retained trees and scrub, in accordance with BS5837:2012.
- e) Details of how the site will be remediated and built without affecting surrounding habitats.
- f) Use of directional/sensitive lighting during construction, to limit light spill on to Fulford Ings SSSI, Germany Beck and foraging and commuting bat habitat.
- g) The location and timing of sensitive works to avoid harm to biodiversity features, including nesting birds and European eels.
- h) Programme of pre-commencement checking surveys, including nesting birds, Water vole, otter and up-dating aerial tree inspections for bats.
- i) Measures to protect common amphibians, reptiles, hedgehogs, and nesting birds. Measures should also include protection for hedgehogs who may access the site for foraging and commuting purposes including and not limited to, precautionary working methods to prevent accidental harm or injury, removal of

tree or shrub cuttings from the site and the covering of trenches and capping of any open pipes.

j) Details of pollution prevention measures required to reduce sediment and other pollutants impacting Fulford Ings SSSI and Germany Beck.

k) Details of biosecurity measures to manage and/or remove invasive, non-native plant species (with full details provided in separate Biodiversity Management Plan).

l) Responsible persons and lines of communication.

m) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

n) Use of protective fences, exclusion barriers and warning signs.

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area. The protection of designated sites in line with Policy GI2 in the Publication Draft Local Plan (2018).

8 Prior to the commencement of development, an invasive non-native species protocol (Biodiversity Management Plan) shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam and Nuttall's waterweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure that an adequate means of eradicating or containing the spread of an invasive non-native species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) and to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

9 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

a) Description and evaluation of features to be managed, including all newly created habitat.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions, including reinstatement/enhancement of work areas, haulage/access roads and site compounds.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by

which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately. To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 180 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

10 Before the commencement of development, a comprehensive Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations contained within the Arboricultural Impact Assessment. The content of the approved document shall be strictly adhered to throughout development operations. A copy of the document shall be available for reference and inspection on site at all times.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of the area, and to prevent further loss of tree cover.

11 The approved Landscape Layout Plan (60651369-ACM-ELS-S1-DR-LV-0001, rev P02, dated 19/12/2022) shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting and development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: The landscape scheme is integral to the amenity of the development and mitigation for lost trees.

12 Within six months of practical completion of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of an additional landscape plan showing the proposed location of an additional tree, alongside evidence of consultation and agreement with the Parish Council on the choice of tree. Once the details are approved, the

tree shall be planted within three months in strict accordance with the approved details. If the tree dies within a period of ten years from the substantial completion of the planting, or are removed or become seriously damaged or diseased, it shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: The landscape scheme is integral to the amenity of the development and mitigation for lost trees.

13 CEMP AMENITY

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

Reason: To protect the amenity of the locality

14 Prior to the construction of any walls in the development hereby approved, a brick sample shall be deposited on site for the written approval of the Local Planning Authority. Once approved, the walls in the development hereby permitted shall be constructed out in strict accordance with the brick sample approved.

Reason: To ensure the materials assimilate with the setting in the interests of good design and the setting of the adjacent Conservation Area.

15 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 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, 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.

16 No development shall take place until a detailed mitigation strategy relating to Fulford Ings SSSI both during the construction period and post construction (with particular reference to bringing the SSSI into favourable condition), has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Natural England. The mitigation strategy shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason: In order to protect the interest features of the Fulford Ings SSSI both before, during and after construction.

17 The recommendations as set out in the following reports shall be implemented and adhered too throughout all phases of development;

- Section 2.4, 3.3 and 4.4 of the Ecology Update Report - dated August 2021
- Section 5.2 of the Botanical Survey - dated July 2021
- Section 9 of the Aquatic Baseline Survey - dated 11 June 2021

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately. To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 180 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

18 No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply.

19 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local

public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

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

20 No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public sewer network.

21 A strip of land 4 metres wide adjacent to the top of the embankment of the open watercourse known as Germany Beck (which is maintained by Ouse & Derwent Internal Drainage Board under the Land Drainage Act 1991) shall be kept clear of all new structures, walls, fencing and planting, unless agreed otherwise in writing with Ouse & Derwent Internal Drainage Board. Access arrangements should be agreed with Ouse & Derwent Internal Drainage Board.

Reason: To maintain access to the watercourse for maintenance or improvements.

22 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

8.0 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:

- Asked for correct ownership certificates
- Asked for updated reports and plans to satisfy consultee comments - Site Plan, Earthworks Sheet, Flood Risk Assessment, Ecological Survey, Aquatic Ecology Baseline Survey, Botanical Survey, Borehole Survey, Heritage Impact Assessment and Site Options Technical Note.
- Requested vehicle swept path analysis.

2. Environment Agency: The drawing shows an activate penstock, if designed electronically there will need to be a contingency plan in place in case of a power failure.

3. The Ouse & Derwent Internal Drainage Board's prior consent is required (outside and as well as planning permission) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

The proposed development is within the Board's area and is adjacent to Germany Beck, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.

Under the Board's Byelaws, the written consent of the Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District, or for any culverting or diversion of any watercourse within the Board's district.

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

results and identification of mitigation measures required.

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

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

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

Contact details:

Case Officer: Natalie Ramadhin

Tel No: 01904 555848

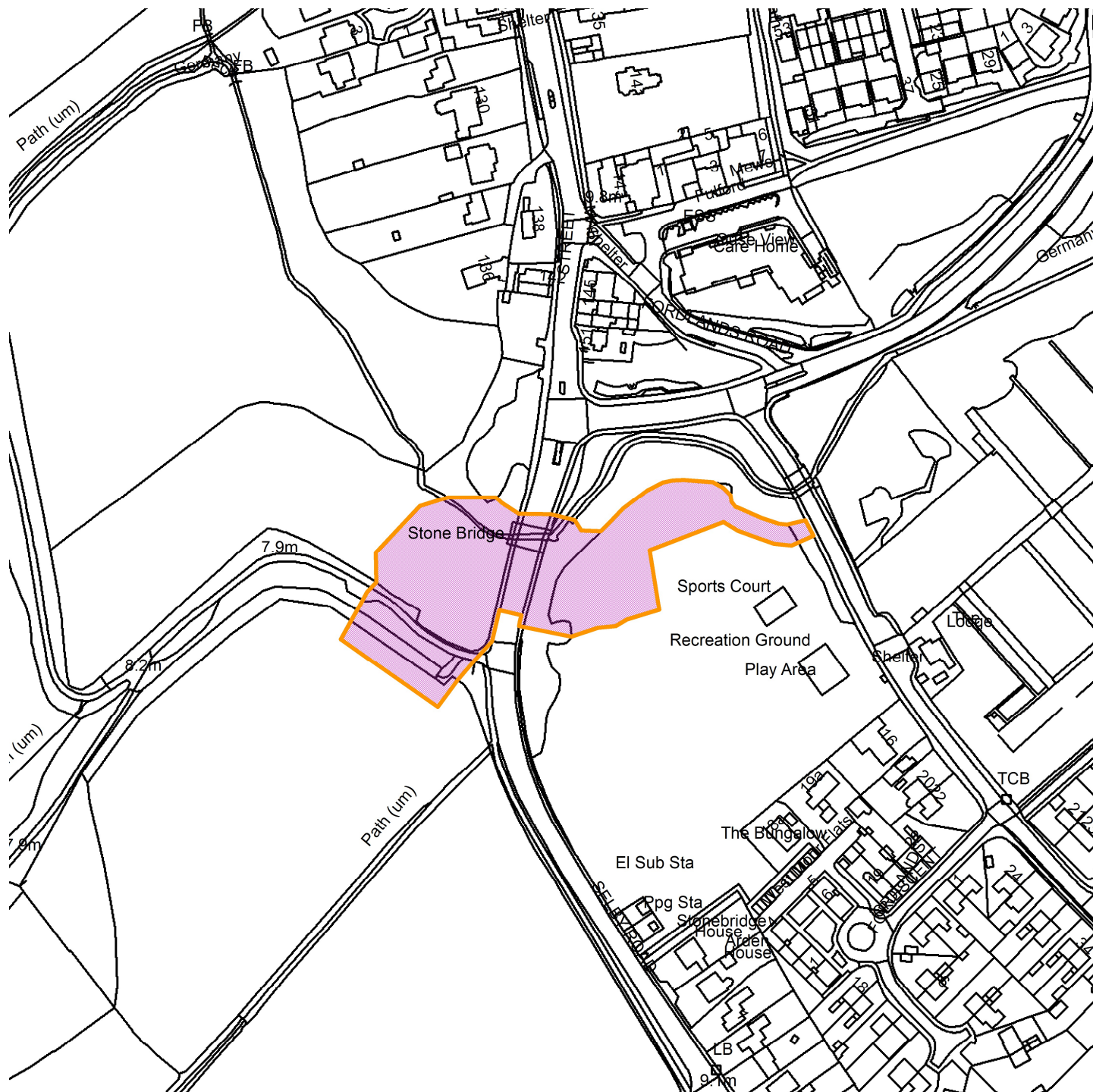
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23/00283/FUL

Fulford Ings & Selby Road Flood Alleviation Scheme



GIS by ESRI (UK)



Scale : 1:2555

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Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	01 December 2023
SLA Number	Not Set

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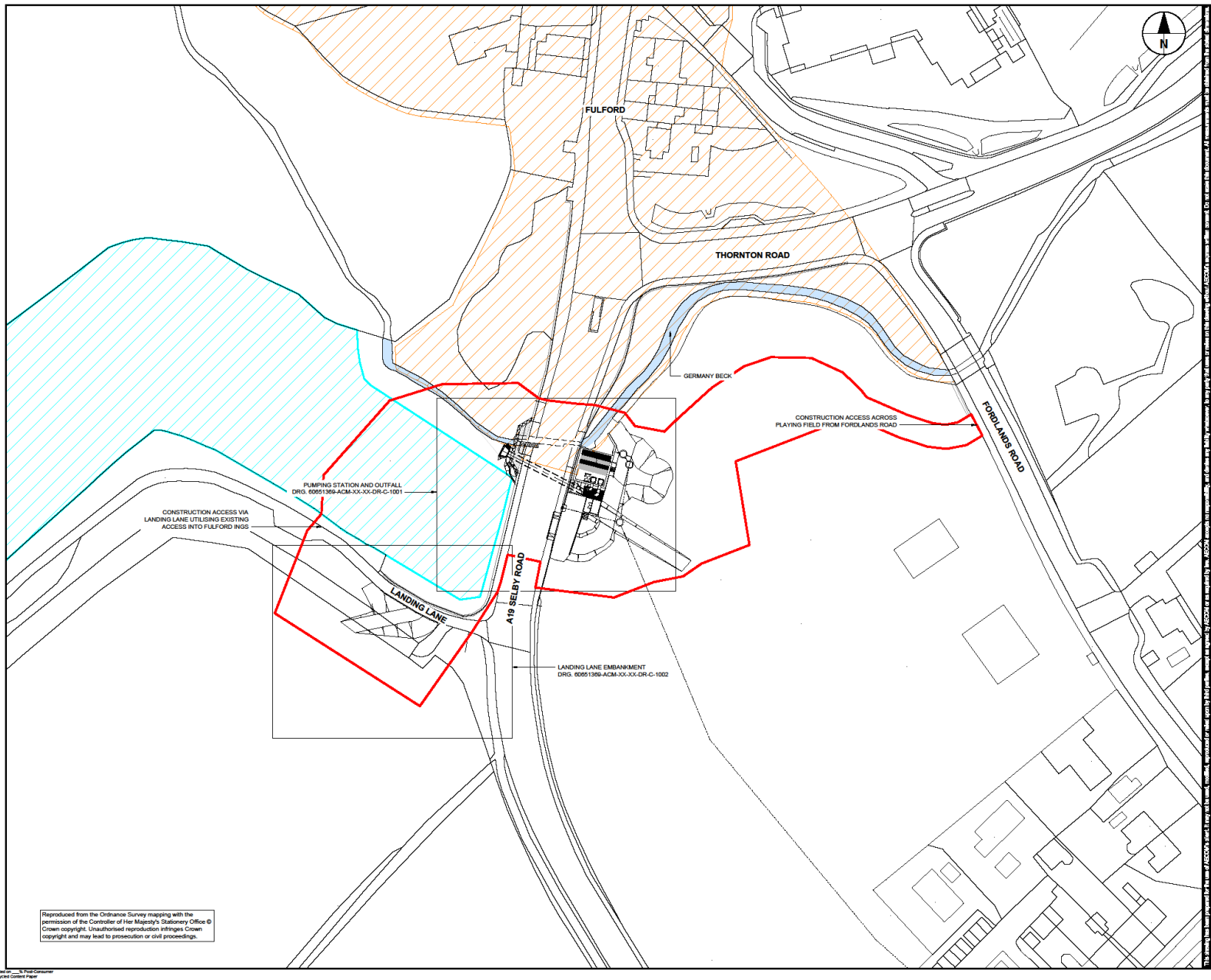


Planning Committee B

23/00283/FUL

Fulford Flood Alleviation Scheme Fulford Ings and Playing Fields

ISO A1 (480mm x 640mm) Approved: JB Checked: VC Designer: KT Project Management Initials: Project Management Initials: DRG. 60651369-ACM-XX-XX-DR-C-1000-1002 GENERAL ARRANGEMENTS DWG



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LEGEND
 — SITE BOUNDARY
 ▨ CONSERVATION AREA
 ▨ SITE OF SPECIAL SCIENTIFIC INTEREST

0 10.0 20.0
 1:500
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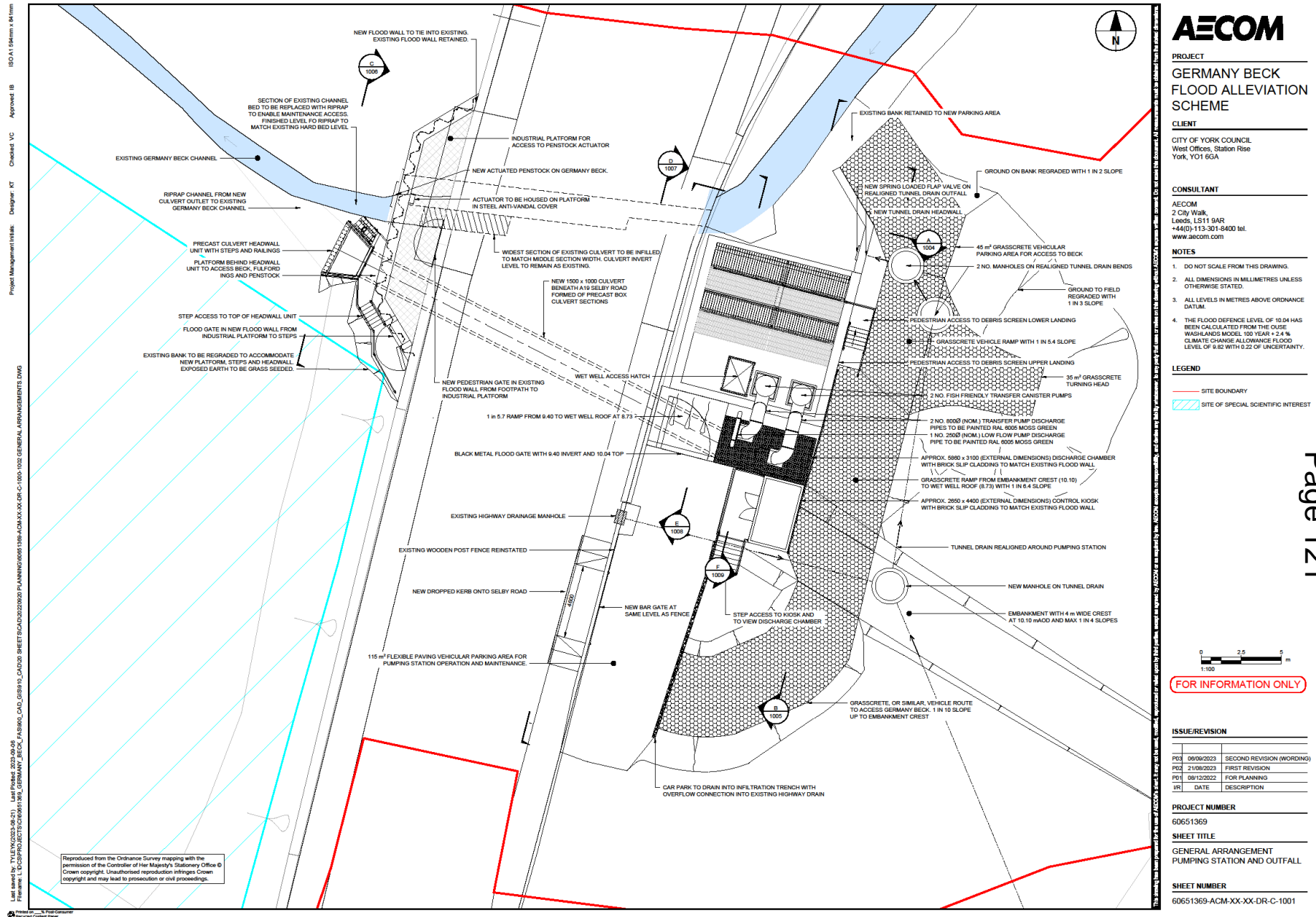
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VR1		

PROJECT NUMBER
 60651369

SHEET TITLE
 GENERAL ARRANGEMENT SITE PLAN

SHEET NUMBER
 60651369-ACM-XX-XX-DR-C-1000

General site arrangement



ISO A1 (B6mm x A4mm) Approved 1B Checked VC Designer RT Project Management Initial: Designer RT

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LEGEND

- SITE BOUNDARY
- SITE OF SPECIAL SCIENTIFIC INTEREST

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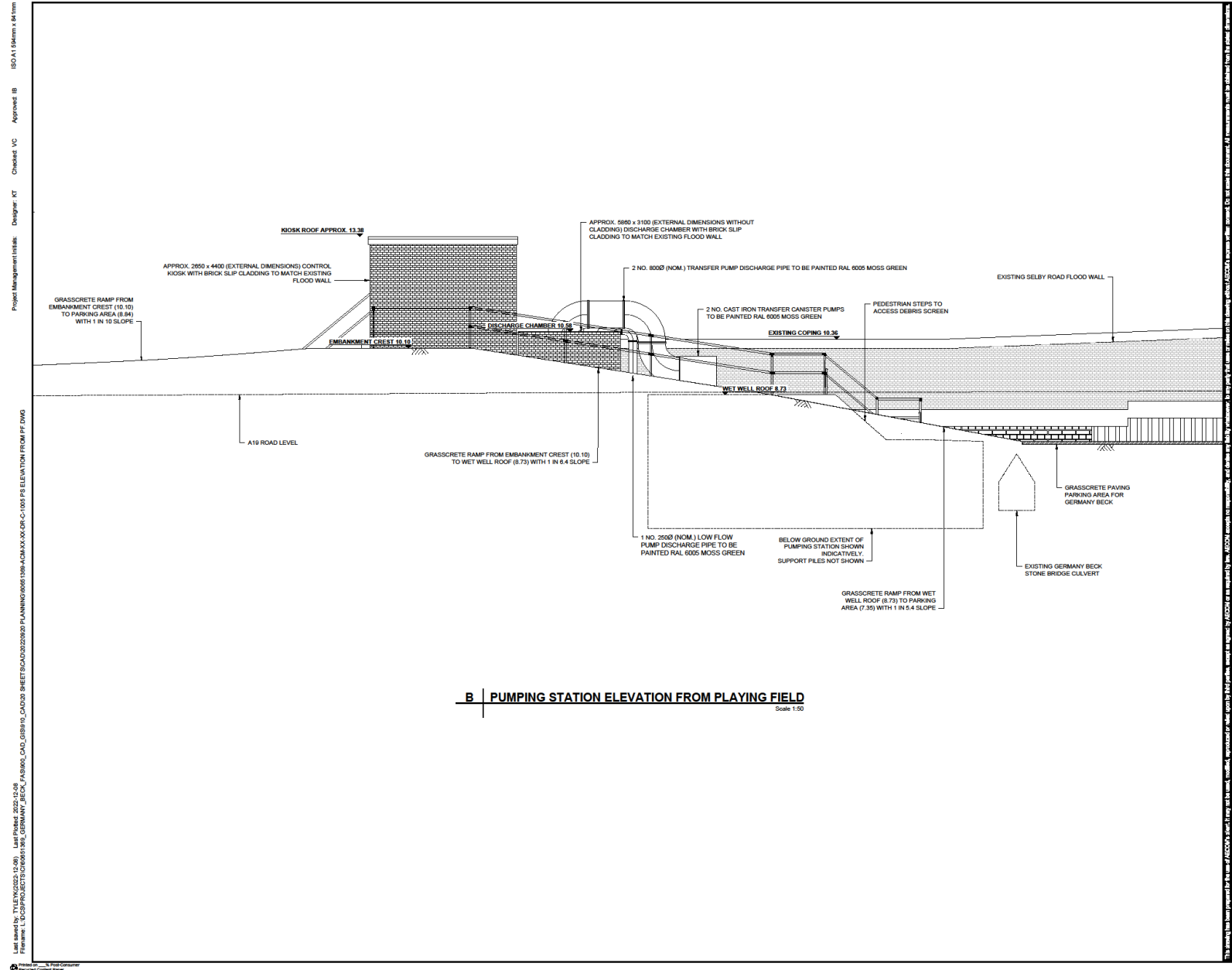
NO.	DATE	DESCRIPTION
PD1	09/09/2023	SECOND REVISION (WORDING)
PD1	21/08/2023	FIRST REVISION
PD1	08/12/2022	FOR PLANNING
VR		

PROJECT NUMBER
60651369

SHEET TITLE
GENERAL ARRANGEMENT
PUMPING STATION AND OUTFALL

SHEET NUMBER
60651369-ACM-XX-DR-C-1001

Pumping station elevations from East (playing field)



Project Management Initials: Designer: KT Checked: VC Approved: BB
 IBD A1 150mm x 64mm
 Last saved by: TYLEY\020210408_ Last Printed: 2022-02-08
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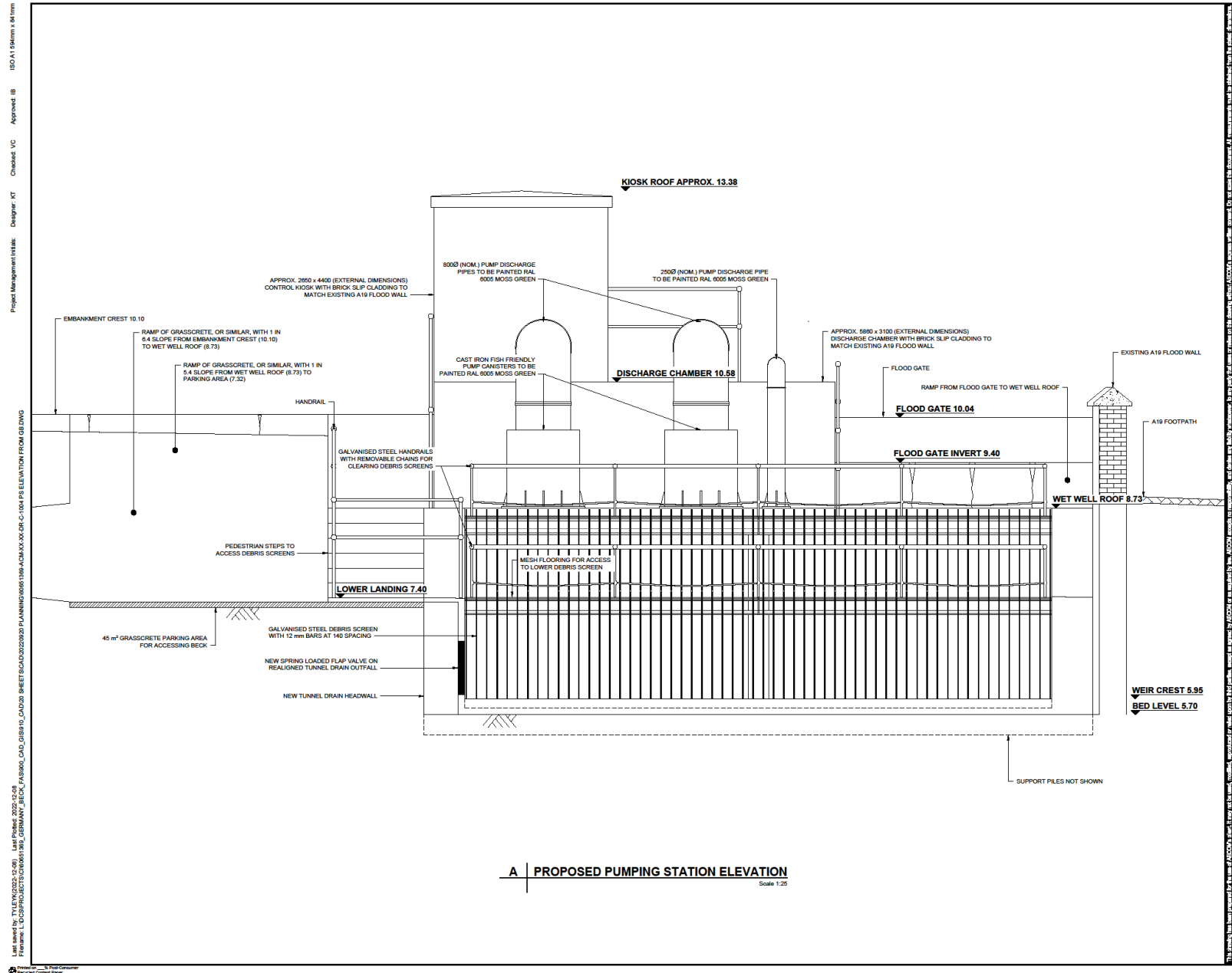
PN	DATE	FOR PLANNING
01	08/12/2022	FOR PLANNING
VR	DATE	DESCRIPTION

PROJECT NUMBER
 60651369

SHEET TITLE
 PUMPING STATION ELEVATION
 LOOKING WEST FROM PLAYING FIELD

SHEET NUMBER
 60651369-ACM-XX-XX-C-DR-1005

Pumping station North elevations



ISO A1 84mm x 64mm
 Approved: BR
 Checked: VC
 Designer: KT
 Project Management Initials:
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 Filename: L:\DCP\PROJECTS\06061989_GERMANY_BECK_PAS900_CAD_0181910_CAD030 SHEET\06061989-ACM-XX-XX-C-DR-1004-P8 ELEVATION FROM 0181910.DWG

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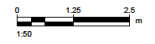
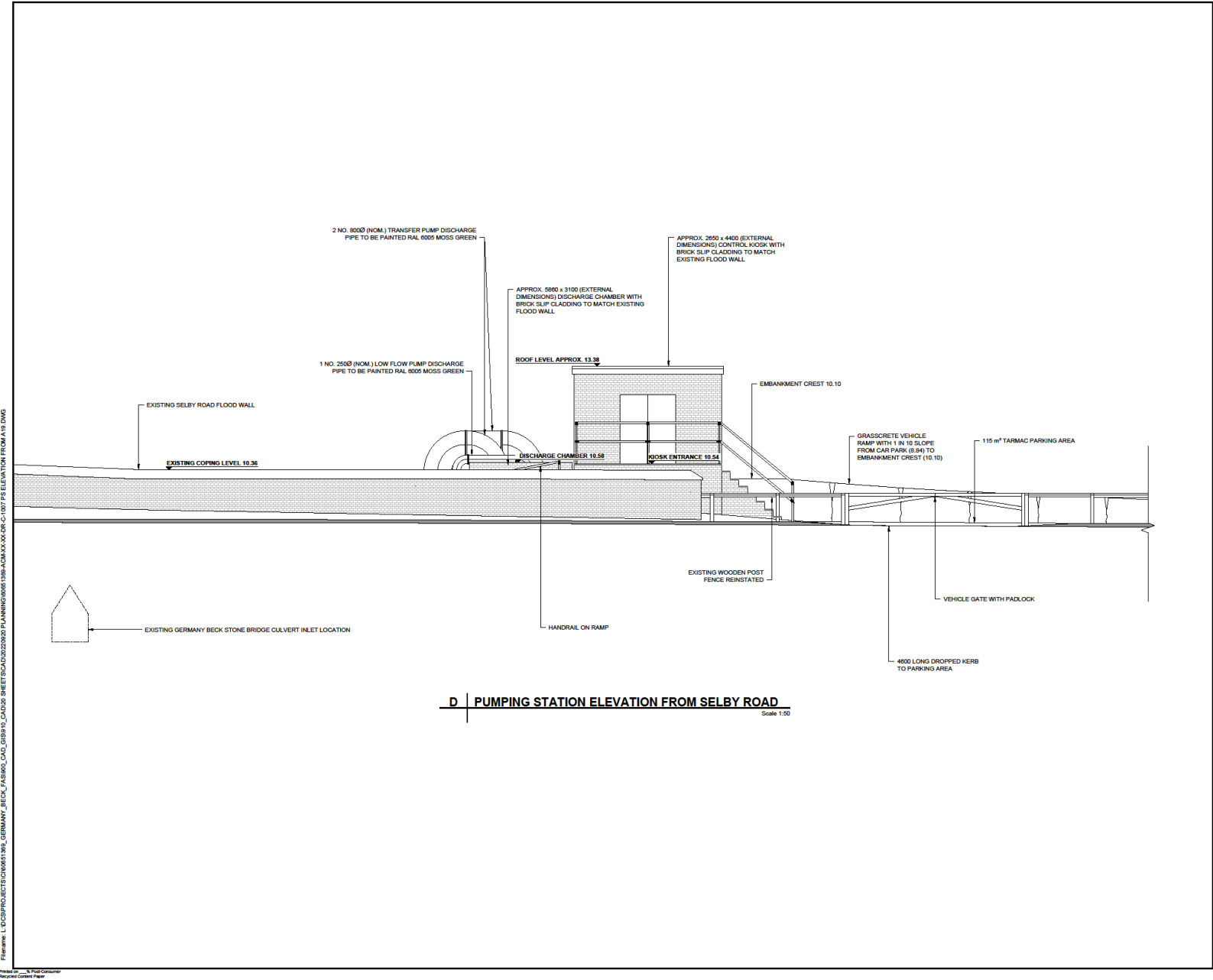
PROJECT NUMBER
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SHEET TITLE
 PUMPING STATION ELEVATION
 LOOKING SOUTH FROM GERMANY
 BECK

SHEET NUMBER
 60651369-ACM-XX-XX-C-DR-1004

Pumping station elevation From Main Street

ISO A1 184mm x 841mm
 Approved: B
 Checked: VC
 Designer: XT
 Project Management: LK:K
 SHEET SW/AD/22/23/23/ PLANNING/6061/1366-ACM-XX-C-DR-C-1007 PS ELEVATION FROM A19 DWG
 Lead: LK:K
 Designer: XT
 Project Management: LK:K
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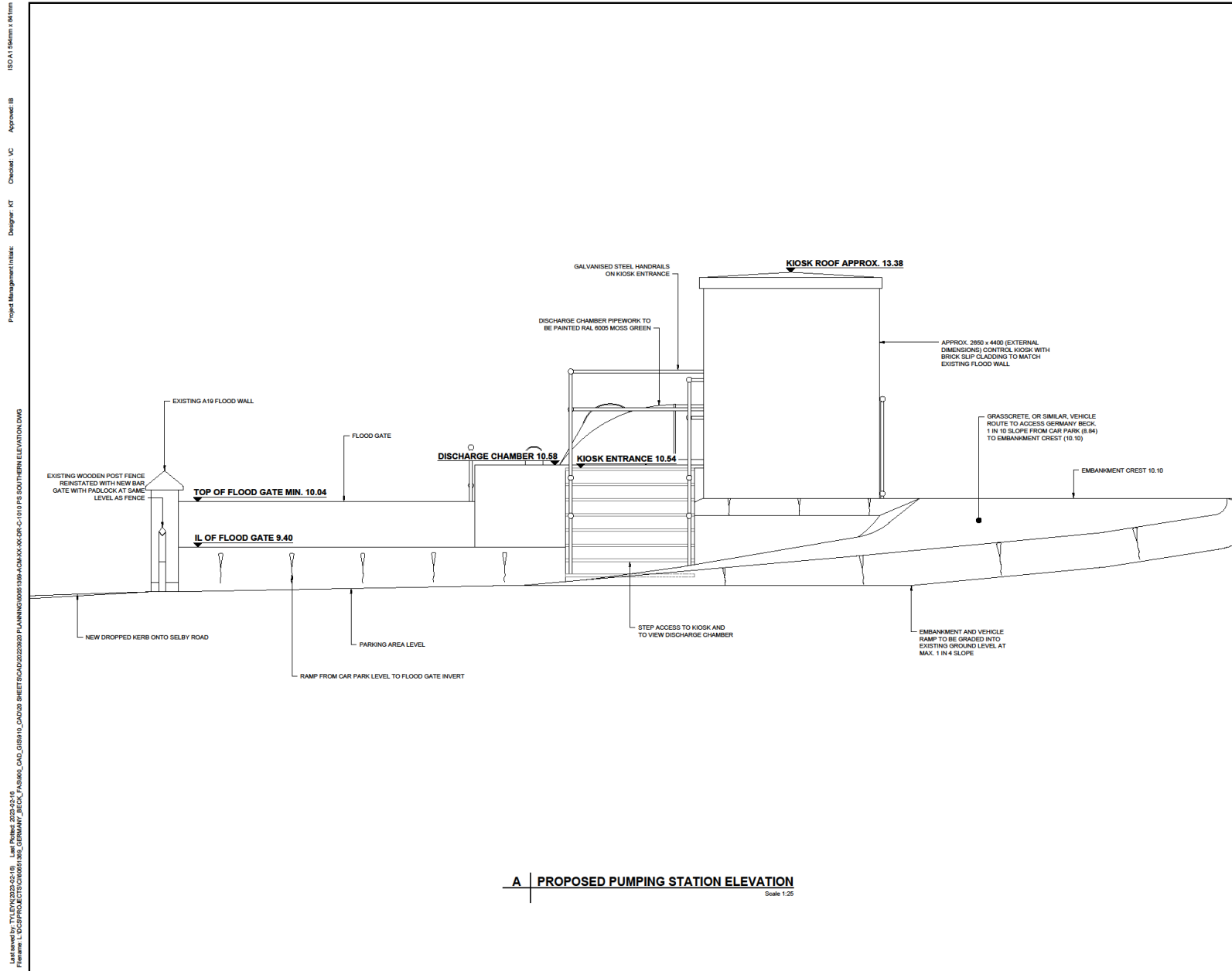
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VR		

PROJECT NUMBER
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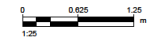
SHEET TITLE
 PUMPING STATION ELEVATION
 LOOKING EAST FROM SELBY ROAD

SHEET NUMBER
 60651369-ACM-XX-C-DR-1007

Pumping station South elevation



ISO A1 540mm x 841mm
Project Management/Initials: Designer: KT Checked: VC Approved: JB
Last saved by: TYLEY/N/2024/02/16
Filename: L:\2023\PROJECTS\170123\GERMANY BECK\ACM\XX-XX-C-DR-C-1010\PS SOUTHERN ELEVATION.DWG
SHEET 6/04/2023/2023/09/PANNING/0605158-A-ACM-XX-XX-C-DR-C-1010\PS SOUTHERN ELEVATION.DWG



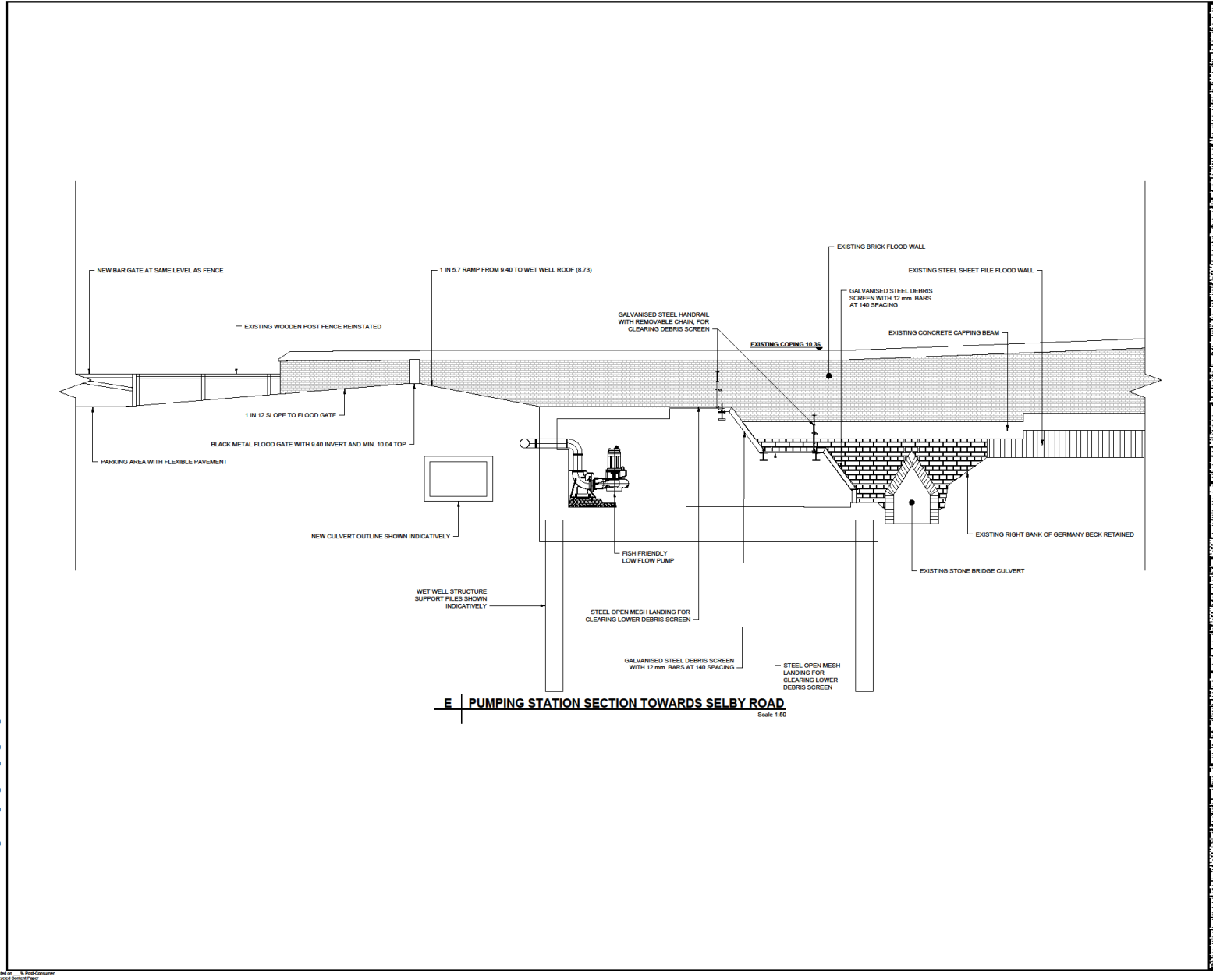
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ISSUE/REVISION	
PRJ	19/02/23 FOR PLANNING
URI	DATE DESCRIPTION

PROJECT NUMBER	60651369
SHEET TITLE	PUMPING STATION ELEVATION LOOKING NORTH FROM PROPOSED PARKING AREA
SHEET NUMBER	60651369-ACM-XX-XX-C-DR-1010

Pumping Station section towards Main Street

Project Management Initials: Designer: RT Checked: VC Approved: JB
 ISO A1 50mm x 40mm
 Recycled Content Paper



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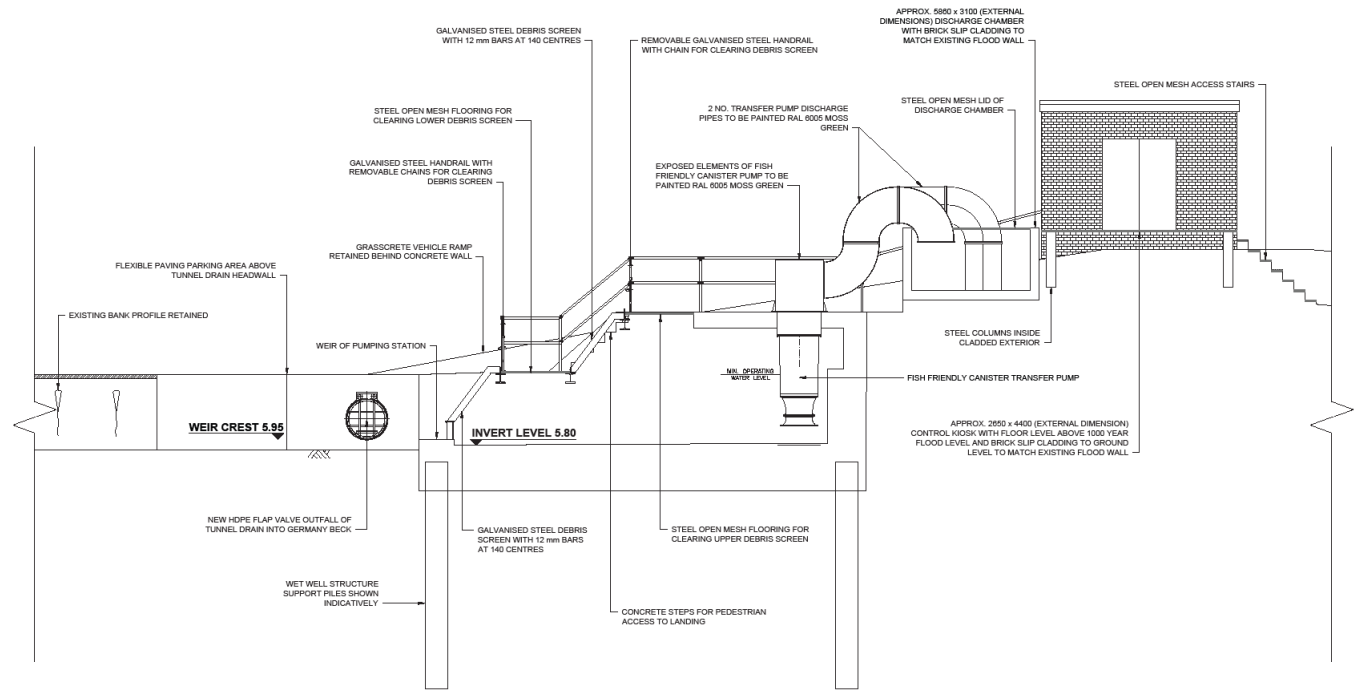
PROJECT NUMBER
 60651369

SHEET TITLE
 PUMPING STATION SECTION F
 LOOKING WEST TOWARDS SELBY
 ROAD

SHEET NUMBER
 60651369-ACM-XX-XX-C-DR-1008

Pumping station section towards playing field

ISO A1 584mm x 841mm
Approved: IB
Checked: VC
Designer: KT
Project Management Initials:
L1: TTY/2024/12/27, User Profile: 2024-12-28
Filename: L:\CPS\PROJECTS\06051369_GERMANY_BECK_PUMPING_SECTION_TOWARDS_PLAYING_FIELD.DWG



F | PUMPING STATION SECTION TOWARDS PLAYING FIELD
Scale 1:50



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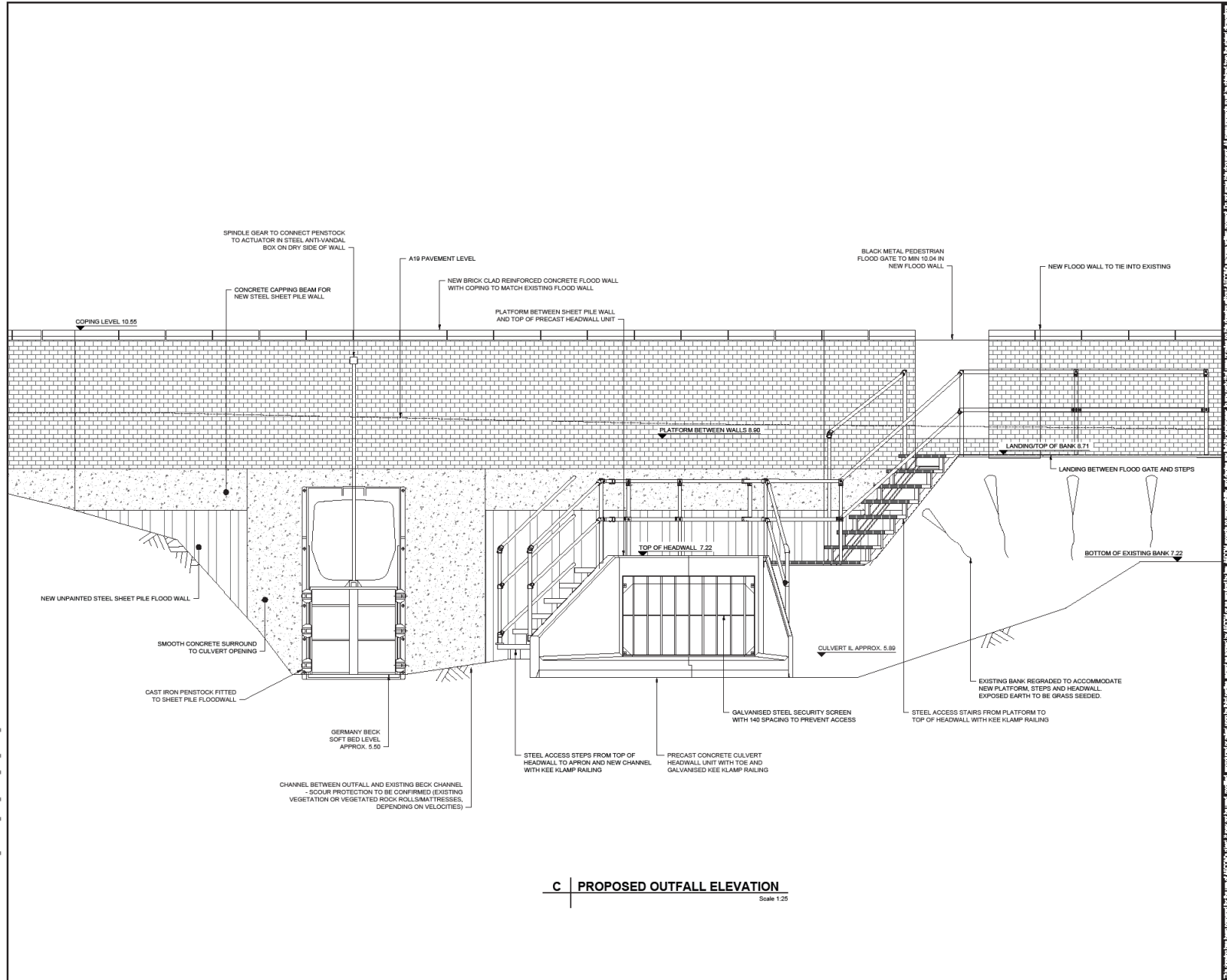
PROJECT NUMBER
60651369

SHEET TITLE
PUMPING STATION SECTION F
LOOKING EAST TOWARDS FIELD

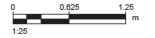
SHEET NUMBER
60651369-ACM-XX-XX-C-DR-1009

Outfall elevation (west side of Main Street)

ISO A1 594mm x 841mm
 Approved: IB
 Checked: VC
 Designer: KT
 Project Management/Initials:
 Last saved by: TYLEY, N (2023, 12-20) Last Printed: 2023-12-09
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C | PROPOSED OUTFALL ELEVATION
Scale 1:25



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NO	DATE	DESCRIPTION
P01	08/12/22	FOR PLANNING
I01		

PROJECT NUMBER
60651369

SHEET TITLE
OUTFALL ELEVATION

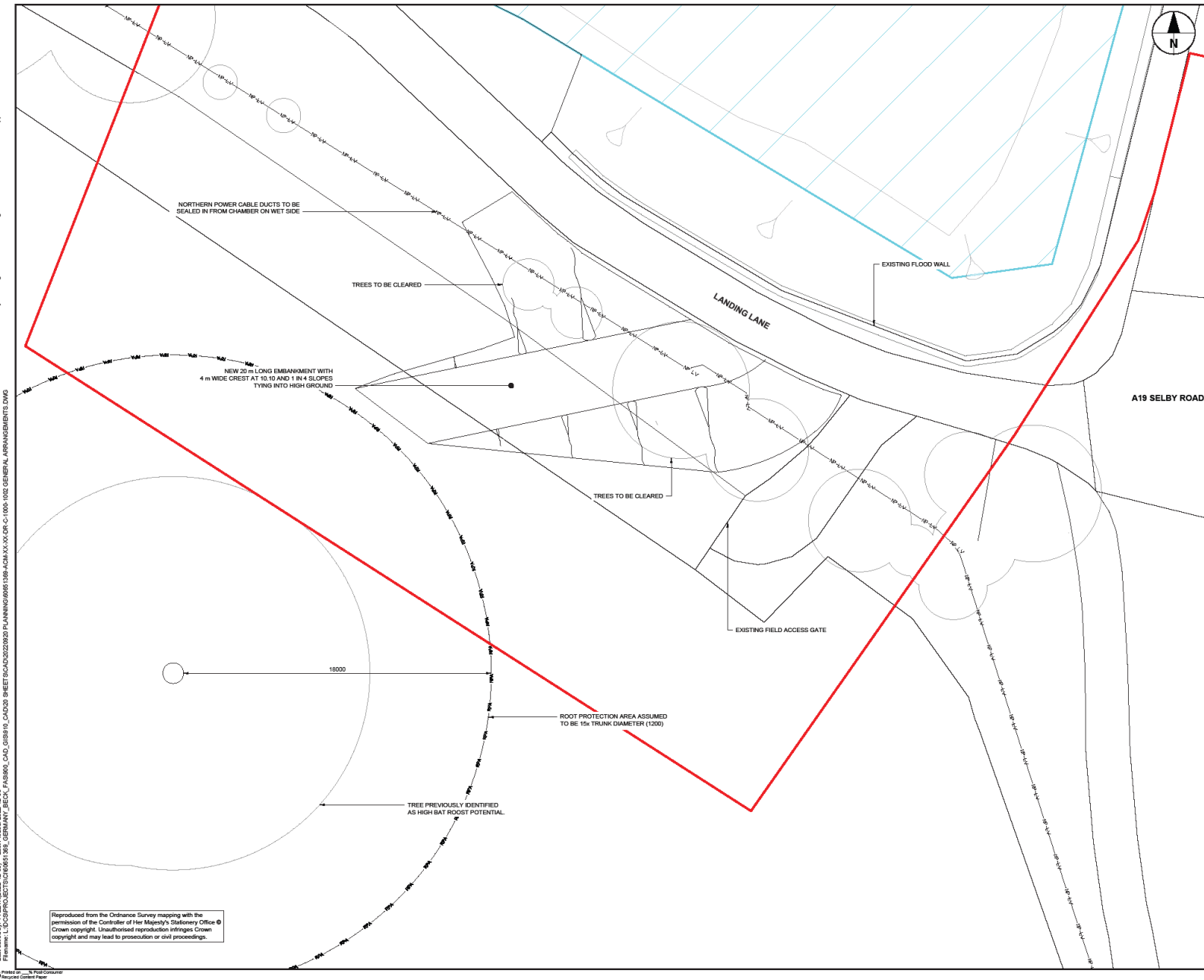
SHEET NUMBER
60651369-ACM-XX-XX-C-DR-1006



Landing Lane embankment

Project Management (M/Ref): Designer: KT Check: VC Approved: IB ISO A1 594mm x 841mm

ISO A1 594mm x 841mm
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LEGEND

- SITE BOUNDARY
- SITE OF SPECIAL SCIENTIFIC INTEREST

0 2.5 5 m
 1:100

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NO	DATE	DESCRIPTION
01	02/12/2022	FOR PLANNING

PROJECT NUMBER
 60651369

SHEET TITLE
 GENERAL ARRANGEMENT
 LANDING LANE EMBANKMENT

SHEET NUMBER
 60651369-ACM-XX-XX-DR-C-1002

COMMITTEE REPORT

Date: 17 January 2024 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/01045/FULM
Application at: Tramways Club 1 Mill Street York YO1 9PY
For: Erection of residential building to form 35no. apartments with associated landscaping and public realm improvements to adjacent Rest Gardens following demolition of former Tramways Club
By: Hollie Shackleton
Application Type: Major Full Application
Target Date: 10 August 2021
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSALProposals

1.1 Planning permission is sought for a 3-5 storey building providing 35 apartments (21 x 1 bed, 12 x 2 bed, 2 x3 bed). The applicant is also proposing landscaping works to the adjacent Rest Garden. The Rest Garden is St Georges closed churchyard, maintained by the Council. The scheme has been supported by a viability appraisal completed by CBRE (updated assessment April 2023) (“the FVA”) that made a case that the scheme could not afford to provide policy compliant planning obligations.

Application site

1.2 The site is within the Central Historic Core Conservation Area. To the east is the Grade II listed Church of St George and attached rectory, gates, railings. To the south is the Grade II listed Turpin’s Grave within St Georges Graveyard. There are at least 6 Council trees within the Rest Garden which are directly adjacent to the southern boundary of the proposed building. The site is within an Area of Archaeological Interest. The site is within Flood Zone 1. On George Street and Mill Street there are apartments opposite the application site. These were recently constructed and are 3-storey. There is a hotel to the rear of the site which is 5-storey.

Environmental Impact Assessment

1.3 The proposed development does not comprise 'Schedule 1' development. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

Relevant Planning Application History

- 22/01755/TCA - Fell 3no. Cherry trees; to 3no. Lime trees crown reduce in height by up to 30%, crown lift above highway by 5m and 3m over the path, thin crown by 10% - tree works in a Conservation Area – No objection (allowed).
- 22/01793/TCA (adjacent Rest Garden) - Reduce lateral branches on north side of 1no. London Plane by up to 6m; minimal pruning to 1no. Lime; reduce lateral branches on north side of 1no. Sycamore and 1no. Lime by up to 4m; reduce lateral branches on north-western side of 1no. London Plane by up to 6m - tree works in a Conservation Area – No objection.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.1 Most relevant policies of the NPPF are –

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

2.2 The Draft Local Plan 2018 (“the DLP 2018”) has now been subject to full examination. Modifications were consulted on in February and September 2023. It is anticipated the plan will be adopted in 2024. Policies are given weight in decision-

making based on their consistency with the NPPF overall and whether there are unresolved objections.

2.3 Key relevant policies

SS3 York City Centre
SS5 Castle Gateway
H3 Balancing the Housing Market
H10 Affordable Housing
HW1 Protecting Existing Facilities
D1 Placemaking
D2 Landscape and Setting
D4 Conservation Areas
D5 Listed Buildings
D6 Archaeology
GI2 Biodiversity and Access to Nature
GI4 Trees and Hedgerows
GI7 Burial and Memorial Grounds
CC2 Sustainable Design and Construction of New Development
ENV1 Air Quality
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
T1 Sustainable Access
DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION ARCHITECT)

3.1 No objection. The scheme reflects amendments following advice from conservation at pre-application. St George's Church will remain dominant, in terms of scale and massing, in relation to the new proposals.

3.2 Initially officers advised they were disappointed by the blandness of the architecture onto George Street; the scheme would be more successful if there were more glazed windows. The scheme has been revised to address this matter and officers provided no further comment.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT) 06.09.2023

3.3 The overall improvements to the external environment on this side of the development outweigh the harm. Should it be feasible to secure the proposed landscape improvements to the adjacent gardens, and subsequent maintenance, this would be a significant public benefit. The proposed landscape scheme includes replacements for a number of trees which have/would be removed (mostly for arboricultural reasons).

3.4 With strict adherence to a site-specific arboricultural method statement, it may be possible to demolish the existing building and erect the proposed development without significant harm to the remaining higher category trees.

3.5 To reduce the likelihood of requests from future occupants to carry out works to the tree canopies, the building should be located further away from the Peace garden boundary if at all possible. The proposed development is also very close to the Lime trees on George street. As a result, these will need cyclical pruning.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER) 19.10.2023

3.6 No objection. Ecological enhancements have been recommended within the Bat Survey Report with the aim of providing biodiversity net gain post construction. These include the provision of bat roosting features and bird boxes.

3.7 Request conditions following conditions: precautionary methods during demolition and felling of trees; biodiversity enhancements; and details of external lighting

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.8 No objection. Recommend a condition to secure a programme of post-determination archaeological evaluation.

3.9 The redevelopment of the site includes an enlargement of the existing basement area. The site is likely to have been occupied since at least the early medieval period and is located immediately adjacent to the site of St Georges Church and burial ground. A desk-based assessment and archaeological evaluation has been submitted.

3.10 In summary, the site appears to contain thin layers of undated archaeological deposits at shallow depths outside the footprint of the current building but in areas that have previously been disturbed by residential development. The extent of the resource beneath the extent building is unknown but any archaeological features that remain beneath the cellar floor is likely to be the bases of cut features into the natural deposits.

3.11 Following demolition a further archaeological evaluation will need to take place:

- clarify the nature, date and extent of the archaeological layer identified in the borehole survey
- to ascertain the extent/character of any features surviving in the current basement area
- clarify whether the construction of the club has removed the archaeological resource within its footprint.

3.12 The results of the evaluation will determine whether any further archaeological recording is required either in the form of excavation or as a watching brief. As the site is within the Area of Archaeological Importance an archaeological watching brief should take place on any further ground investigation works required in relation to this scheme.

EDUCATION PLANNING OFFICER

3.13 The scheme generates need for 5 additional school places (2 primary, 1 secondary, and 2 early years). Officers explain which schools the contributions would go towards and that the total amount would be £115,089.

HIGHWAY NETWORK MANAGEMENT

3.14 No objections. The scheme was amended following officer feedback that servicing of the site could take place within the current arrangements. A separate lay-by facility/pick up/drop off within the site was removed from the scheme at highways officer's request.

3.15 Recommend the following conditions: Removal of redundant crossing; details of the cycle parking areas; Construction Traffic Management Plan / Method of works; Travel Plan; car free development. A financial contribution (£25,000) was requested for the Council to support the travel plan.

LEAD LOCAL FLOOD AUTHORITY

3.16 No objection. Recommend condition to secure implementation of the Drainage Strategy and Impermeable Areas Plan – Re:18433-DCE-XX-XX-D-C-100 revision P04.

PUBLIC PROTECTION

3.17 No objection subject to conditions.

Noise

- Dwellings should be constructed as to ensure that the internal noise levels meet the requirements of BS8233:2014. As there are residential properties close to the proposed site recommend that controls are put in place to minimise noise, vibration and dust during demolition and construction.

Land contamination

- The applicant has submitted a Phase 1 desk top study. This assessment is acceptable and the conclusions include the need for a site investigation.

PUBLIC REALM

3.18 No objection. Requested a planning obligation towards off-site sports (10,863), amenity (£7,700) and play space (£8,416).

3.19 The City of York Local Plan Evidence Base: Open Space and Green Infrastructure Update September 2017 shows that the ward (Guildhall) has an under-provision of outdoor sports, this development is also close to the boundary of connecting wards (Fishergate) that also have a shortfall of outdoor sports provision which this development should support. Contribution requested to carry out improvements to sports facilities at one or more of the following sites / clubs: York RI Queen Street, Rowntree Park Tennis Club, York Canoe Club, or another project within the ward or connecting wards.

FORWARD PLANNING

3.20 Support the principle of bringing this brownfield, centrally located site into residential use. Subject to negotiation regarding the provision of affordable housing would not raise a policy objection.

ECONOMIC GROWTH TEAM

3.21 No comment received.

AFFORDABLE HOUSING

Application Reference Number: 21/01045/FULM

Item No: 4c

3.22 Advised on planning obligation to secure off site contribution. This is on the basis it would likely be difficult to be a Registered Provider interested in the leasehold of only 5 dwellings. In line with Local Plan policy H10 £1,234,146.27 would be required.

WASTE SERVICES

3.23 No objection.

EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL

3.24 Object.

- The building is still oversized and provides little green space. The memorial garden is not part of the site.
- Roof level is too intrusive on George and Mill Street.
- The height of the existing building on the site is one/two storeys. The proposal is five storey.
- The solar panels on the roof, positioned to the north of the penthouse will not receive full sunlight.

POLICE ARCHITECTURAL LIAISON OFFICER

3.25 No objection. The principles of crime prevention through environmental design have been taken into consideration. In particular, the access control measures for all entrances, the defensive space created by the private terraces and the provision of secure cycle storage. It is also considered that the natural surveillance and guardianship that the proposal can provide to the adjacent Rest Gardens will alleviate issues around antisocial behaviour that this space suffers from.

YORKSHIRE WATER

3.26 No objections, request following condition: development constructed in accordance with Drainage Strategy and Impermeable Areas' 18433-DEC-XX-XX-D-C-100 (revision P01)

CONSERVATION AREAS APPRIASAL PANEL

3.27 No comments received.

4.0 REPRESENTATIONS

4.1 Twelve representations of objection have been received and two petitions signed by 42 and 207 individuals respectively. One letter in support received.

Objections.

- Erode the character of the area, particularly in relation to the church and the peace garden. Views of garden lost.
- Although improvements to the garden would be welcomed, such minor works cannot address the massive adverse impact that the development would have on the amenities of residents and the character of the area.
- Impact on trees
- Sense of enclosure to Mill Street creating a dark corridor. Lack of active façade
- Overdevelopment
- Height should mirror building on opposite side of road – 3 storeys. 3-4 storey scale is harmful to conservation area. Building at a scale appropriate to Piccadilly is not sympathetic to the urban grain of Mill Street and its lesser scaled buildings.
- The building due to its scale would compete with Grade II listed St Georges Church. This is an inappropriate architectural approach; the church being a listed building and designated building of merit should be the focal point in the area.
- The sectional drawings of the proposed development and surrounding building is misleading.
- Roof form and alignment of windows uncharacteristic
- Harm to the amenities of the occupants of the nearby residential dwellings. Loss of outlook and overshadowing.
- No parking provision, would result in issues in the surrounding areas.
- No vehicle lay-by has been provided resulting in an obstruction from delivery vehicles on Mill Street.
- Disruption resulting from construction.
- Solar panels facing north not efficient.
- Loss of a community facilities, no other provision in the area.
- Lack of affordable housing.

Support

- Good use of the land area on a dilapidated site.
- Style is in keeping with the surrounding new builds.

Rachel Maskell MP

Conservation area

- Loss of light at street level
- Impinge on gardens adjacent.
- Removal of hedges to improve surveillance.

Scale of development

- Loss of light due to the height of the development
- Other developments have been required to be 3-storey maximum around George Street.
- The church will be dwarfed due to the scale of the building.

Parking

- No parking for proposed apartments. People likely to demand parking nearby. Concerned this will be at the expense of existing residents, including those with mobility issues. There should be an assessment of impact on parking as a result of the proposed development.
- No parking for tradespersons in the area.

While housing is urgently needed across the city, the demand is for affordable and social housing. This development is not offering accommodation that will match the need in York and there is not an urgency to develop more luxury accommodation in the area.

Guildhall Ward Councillors – Cllrs Melly, Clarke Merrett

- Loss of a community asset
- The scale, massing, and number of dwellings of the proposed development amounts to overdevelopment of the site. Concerned about the proximity of the proposed building to mature trees, and both the harm to them that the development could cause and the concern that there will subsequent pressure to cut back or remove the remaining trees due to light restriction in the facing flats.
- Building is too high and too dominant. It would cause harm to the character of the conservation area and the settings of the city walls, the grade II listed St Georges church, and Dick Turpin's grave.
- There is a significant housing need locally, but we do not feel that this development in its current form would help to meet it.
 1. The proposal does not include affordable housing.
 2. The flats are not suitable homes due to the lack of storage space, functional kitchen space, outdoor space, children's play equipment, and suitable cycle storage.

3. The proposed layout is poorly designed for the use of the dwellings as homes. They seem designed to be short term holiday lets which would not contribute to the local housing supply.

- If used as short-term holiday lets, it will undermine community cohesion, have a negative impact on the amenity of existing residents, and introduce a higher level of noise to the neighbourhood than if the site was developed as an appropriate number of genuine homes.
- Cycle storage design is not suitable. The area is in the basement. Access involves manoeuvring, including dismounting and reversing. The nature of the cycle storage would not encourage cycle use by future residents. No cycle storage for adapted cycles or cycle trailers. There is also no access to the cycle storage area for adapted cycles or cycle trailers due to the lift size and manoeuvring required.
- No parking provision is provided on site, but some car ownership by future residents is very likely. Share the concerns of neighbouring residents that this will put additional parking pressure on the surrounding area.
- No provision, such as a lay-by or suitable highway space, for deliveries to the site. All delivery vehicles visiting the site would need to park on highway with parking restrictions, causing an obstruction.
- The "residents footpath" on the South of the development looks poor in terms of designing out crime, and creates an alleyway in an area where anti-social behaviour already exists.
- The proposed improvements to the open space and graveyard labelled on the plans as "rest garden" are welcome as long as they are maintained in perpetuity and conditioned to be provided prior to first occupation of the proposed housing.

Former Ward Councillor Cllr Craghill

Trees

- Negative impact on mature trees along the boundary line with Dick Turpin's graveyard public open space. Would like assurance that the development will be set well back from these trees perhaps via providing appropriate on site open space for residents of the development along this boundary.

Scale

- Despite some stepping down the development is still too high and over dominant where it faces on to George Street, Mill Street and on to the Dick Turpin's graveyard open space.

Amenity space

- The design of 'St George's Terrace' is confusing – is it for the sole use of residents of the development? It is terribly close to the boundary of the graveyard and it isn't clear how the terrace would work as a useable space?

Clarity sought on proposals for graveyard / rest garden

- Proposals to fund improvements to the area such as high quality seating and some apparent changes to the landscaping are potentially welcome but it isn't clear who will maintain the open space into the future?
- Not clear if there is going to be the required clearing of undergrowth and opening up of the area at the far end of the graveyard as it this area which promotes much of the anti-social behaviour associated with the open space.
- Whilst provision for use by older people is welcome there is also a need for some improved play facilities in this part of the ward and this is something ward councillors have been considering for this space.
- Whilst a section 106 contribution to the area is welcome there is a need for this to fund a more open consultation with existing residents of the area as to exactly how they would like the graveyard to be improved and what facilities it should include.

5.0 APPRAISAL

KEY ISSUES

- Principle of proposed use and loss of former use
- Impact to heritage assets
- Design of the scheme
- Residential amenity
- Promoting sustainable transport
- Ecology & biodiversity
- Drainage
- Sustainable design and construction
- Planning obligations

PRINCIPLE OF PROPOSED USE AND LOSS OF FORMER USE

5.1 NPPF section 8 (promoting healthy and safe communities) sets out that planning decisions should guard against the unnecessary loss of valued facilities (including

pubs), particularly where this would reduce the community's ability to meet its day to day needs.

5.2 DLP 2018 Policy HW1 (Protecting Existing Facilities) states that development proposals that involve the loss of facilities last used for community purposes will only be supported where –

- facilities of equivalent or greater capacity and quality are provided.
- robust evidence is submitted to demonstrate that the facilities no longer serve a community function and demonstrably cannot be adapted to meet other community needs or are surplus to requirements; or in the case of commercial facilities, evidence is provided that demonstrates the facilities are no longer financially viable with no market interest.

5.3 In respect of the second point, the background text to the policy advises changes in the economic climate may mean that some commercial facilities are no longer financially viable. In exceptional circumstances, their loss will be approved if it can be demonstrated that they no longer serve a community function and cannot be adapted to meet other community needs, or they are surplus to requirements. If the intent is to demonstrate a facility is surplus to requirements, evidence is required that there are facilities in the immediate area to appropriately cater for the loss of the facility. It is important and relevant in this case that this background text was added in the 2023 modifications to the plan. The club closed and was marketed for redevelopment in 2019.

5.4 The site is within the Castle Gateway Opportunity Area ST20. DLP 2018 Policy SS5 explains ST20 has been identified as a major regeneration area; the aims of regeneration include to improve the economic, environmental and social sustainability of the area and to bring forward new commercial and other development that improves the area and complements and facilitates the implementation of the public realm enhancements. The policy notes the area suffers from neglected buildings.

5.5 The social club was owned by its members. It closed in 2019 due to low membership and financial difficulties; this decision was taken following a majority vote by members' regarding its future. The site was subsequently put on the market for redevelopment.

5.6 Given the type of venue, its ownership, the reasons behind closure and the time that has lapsed since the decision to sell, the applicant has not been challenged to evidence that no alternative community use is possible through marketing. The closest comparable site is St Lawrence WMC on Lawrence Street and this is within walking distance of the application site. There is no conflict with NPPF paragraph

93(c) (no unnecessary loss of valued facilities) the venue closed in 2019 due to low membership and residential redevelopment of the site would not affect the ability of the community to meet its day-to-day-needs.

5.7 Whether the development is acceptable in principle is a planning balance judgement. This requires the decision-maker to have regard to whether the loss of the facility is outweighed by housing delivery. Significantly boosting the supply of homes is established as the Government's objective, set out in NPPF section 5 (housing delivery). NPPF section 11 relates to making effective use of land and requires substantial weight to be given to using suitable brownfield land for homes. The city does not have a 5-year housing supply and has under-delivered on its housing requirements in previous years. The scheme is consistent with the regeneration of area ST20; Castle Gateway as defined in policy SS5. In principle, in this case NPPF policy is weighted in favour of the proposed use.

HERITAGE ASSETS

5.8 The site is within the Central Historic Core Conservation Area. To the east is the Grade II listed Church of St George and attached rectory, gates, railings. To the south is the Grade II listed Turpin's Grave within St Georges Graveyard. The site is within the City Centre Area of Archaeological Interest.

5.9 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 requires the Local Planning Authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possesses.

5.10 Section 16 of the NPPF (conserving and enhancing the historic environment) classes listed buildings and conservation areas as 'designated heritage assets'. Section 16 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

5.11 NPPF requires Local Authorities take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking

account of the available evidence and any necessary expertise. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.12 Chapter 12 of the NPPF gives advice on design and states planning decisions should ensure that development will add to the overall quality of the area, be visually attractive, sympathetic to local character and history.

5.13 In the Central Historic Core Conservation Area Appraisal (2013) the site falls within Character Area 14: Piccadilly and is directly adjacent Character Area 16: Outer Walmgate.

5.14 The site sits behind the Holiday Inn hotel which fronts onto Piccadilly. This block and Piccadilly Plaza on the opposite side of Mill Street range in height and step up to 5.5 storey facing Piccadilly. Along George Street are residential buildings 3-storey high where they face the street and a 3-4 storey office building. This townscape is late 20th and 21st century and architecturally of its time. St George's Church is surrounded by car parking and post war housing along Margaret Street.

5.15 The proposed building ranges in height from 3.5 storey (set behind existing trees) facing George Street, then steps up to 4 and 5 storey where it meets the back of the Holiday Inn hotel. The varied massing is a response to the context and the building is comparable in height with the neighbouring buildings. In terms of respecting the urban grain and prevalent townscape, the proposed building is appropriate in its layout, form and massing.

5.16 The scheme will not be harmful to the character and appearance of the conservation area. In terms of the Central Historic Core Conservation Area the site lies within the Piccadilly Area and adjacent the Outer Walmgate Area. The appraisal for outer Walmgate acknowledges the area has been subject to significant change and this is visually evident from the setting of the application site. The area appraisal states "there are very few historic buildings in this area as a result of the slum clearances and post-war development. Several phases produced blocks and houses of varying design and material; continued use of brick and pitched roofs alludes to the architectural context of the city". The site itself is in part of the Piccadilly area, within a section identified as "late 20th century commercial development". The host building by virtue of its scale, its form with pitched roof, detailing and materials, with vertical emphasis and use of brick, would not be out of character with this setting.

5.17 There will not be harm to the setting of listed buildings. St George's Church and the grave within the Rest Garden are both listed at Grade II. These structures are set within an urban setting being primarily surrounded by development of 20th century origin. The relationship between the church and its churchyard / the Rest Garden are not affected by the scheme. The architectural and historic significance of these assets would not be detrimentally affected by the regeneration of the application site proposed.

Archaeology

5.18 The site is within the City Centre Area of Archaeological Importance. NPPF section 16 states that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation". Footnote 68 of the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

5.19 The City Archaeologist is satisfied that sufficient information has been provided prior to determination to understand the potential impacts on archaeology and determine appropriate mitigation. This information extends to on-site investigation. Conditions have been recommended in this respect, which would involve a written scheme of investigation to be prepared and implemented. During the approved works where archaeological features and deposits are identified proposals for the preservation in-situ (preferred), or for the investigation, recording and recovery of archaeological remains and would need to be submitted for approval.

DESIGN OF THE SCHEME

5.20 NPPF section 12 (achieving well-designed and beautiful places) sets out design considerations. It acknowledges trees make an important contribution to the character and quality of urban environments and advises that developments should

- a) function well and add to the overall quality of the area over the lifetime of the development;
- b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- 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 (including green and other public space) and support local facilities and transport networks; and
- 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.

5.21 These design principles are expanded upon further in the National Design Guide. Further design advice is contained in NPPF section 11 which relates to making effective use of land. Paragraph 129 states "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site".

5.22 The design is reasonably informed by its setting. The building is setback from George Street to preserve trees. The building alignment on Mill Street respects the building line opposite in terms of how buildings are setback from the street. The massing is a direct response to the context and strikes an appropriate balance between the scale of buildings on George Street and the taller buildings fronting Piccadilly. The layout respects the urban grain, building lines and landscape characteristics of the setting. The building form; modern townhouse vernacular and recessive mansard type roof and the palette of materials is compatible with the local townscape, which is primarily development from the 20th and 21st century.

5.23 Each elevation contains sufficient amination and active frontages, with a townhouse vernacular appropriate to the setting. There are amenity terraces on two of the three elevations and full height windows and projecting oriel type windows on the east elevation looking towards St George's Church.

5.24 Whether the scheme is compatible with retention of surrounding trees of high value has been assessed. The applicants have provided an updated Arboricultural report and Impact assessment, construction management details in outline and updated elevations and additional cross sections to illustrate the relationship between the apartment block and adjacent trees. The details illustrate that the scheme can be constructed without damage to the trees. The Lime trees on George Street will need cyclical pruning from time to time, the council's landscape architect has advised that in this respect the overall improvements to the external

environment on this side of the development, with a new landscaping scheme, outweigh the harm.

RESIDENTIAL AMENITY

5.25 The NPPF in section 12 advises planning decision should create places 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. NPPF Section 15 where it covers ground conditions and pollution advises that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life and ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination. DLP 2018 policy ENV2 advises development will be permitted where it does not unacceptably harm the amenities of existing and future occupants on site.

5.26 The scheme has an active frontage on each outward facing elevation and will provide improved natural surveillance, in particular over the graveyard where there have been reports of anti-social behaviour. The activity associated with the new use will be beneficial in respect of designing out crime. The landscape masterplan includes proposals to replace the stepped access with a ramped access to the graveyard area and make the place a more useable and welcoming space. Overall, the scheme accords with the National Design Guide in respect of its policies for public spaces in respect of making them useable and safer.

5.27 The national space standards (for dwellings) are optional and have not been adopted by York Council; they can be used only as a guide. The apartments proposed exceed the optional standards for one and two bed dwellings. Each apartment has private outside amenity space which is a benefit in favour of the scheme. The apartments which face George Street are dual aspect. Some apartments will be close to trees which will affect daylight to the apartments. The trees will be afforded protection from removal. The trees are also beneficial; along with the landscaping of the adjoining garden they provide a tranquil landscape setting and offer privacy. Whether the trees add value to the apartments or otherwise is a personal preference and the presence of the trees is not regarded as grounds to refuse the application on amenity grounds.

5.28 Paragraph 129 (c) of the NPPF refers to making effective use of land and states "local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the

resulting scheme would provide acceptable living standards) ... significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area". The BRE (British Research Establishment) guidance on site layout for daylight and sunlight also advocates building at a density that respects its context.

5.29 The proposed building respects its context and is aligned with NPPF advice on making effective use of land and achieving appropriate densities (in section 11). In terms of existing separation, between buildings at the Piccadilly end of Mill Street, buildings are just less than 10m apart. The same separation distance applies for the terraces of houses on George Street. The proposed apartments would be at least 11m from the houses opposite on Mill Street. The setback of the proposed building from the street is comparable with the residential building opposite, as is the height and massing of the scheme (buildings opposite range from 3-5 storey in height). Whilst the proposed building at the north corner extends to the site boundary (therefore narrowing separation distances), this is opposite what is predominantly the blank gable end of the block opposite, which is set further back from the pavement edge.

5.30 The levels of noise for future residents and a remediation strategy for the site can be secured by standard conditions.

PROMOTING SUSTAINABLE TRANSPORT

5.31 The NPPF in section 9 (promoting sustainable transport) encourages development that is sustainably located and accessible. It requires that all development achieves safe and suitable access for all users. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116 of the NPPF provides that development should give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. DLP 2018 policy T1: Sustainable access states "development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users ... including those with impaired mobility, such that it maximises the use of more sustainable modes of transport".

5.32 The development proposes no off-street car parking. This is a city centre location where there are sustainable travel alternatives to private car use. Application 19/02415/FULM at Castle Mills for 106 apartments and commercial uses was approved with no off-street car parking and there are no reasons why the same approach should be opposed in this case. Generally, on-street parking locally is controlled as Mill Street and the application site is outside of the R18 residents

parking zone that extends to George Street. Future residents would be outside of the zone and therefore would not be eligible for on-street parking permits under the current arrangements. There are measures to prevent an impact on the network. National advice is that travel plans are required for developments that would generate significant amounts of transport movement. A scheme of 35 dwellings in the city centre, with no car parking, would not generate significant amounts of traffic.

5.33 Highways officers are content that servicing can take place utilising the current arrangements provided on George Street; it is not necessary to duplicate the on-street provision within the site (which would be at the expense of soft landscaping) and such an arrangement (when initially proposed) raised safety concerns regarding vehicles reversing onto the highway, visibility and conflict between users of the highway, including cyclists and pedestrians.

5.34 The supporting documentation submitted with the application evidences that the access into the basement storage is workable and highways officers have not objected to the revised plans. The fire curtains shown on the plan maintain openness in corridors for ease of use (these seal in case of fire). The plans have been updated and the lift dimensions increased so there is capacity for larger cycles. The parking spaces are also set out so longer cycles can be accommodated, taking into account LTN 1/20 advice. A cycle space per bedroom is proposed and there are visitor spaces at an entrance. The cycle parking is adequate quality.

ECOLOGY & BIODIVERSITY

5.35 NPPF section 15 (conserving and enhancing the natural environment) requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. The DLP 2018 policies reflect this advice in relation to trees, protected species and habitats.

5.36 The submitted ecology information is up to date and confirms there are no protected species in the building. The recommendations of the report including new habitat facilities (e.g. bat and bird boxes), to secure policy compliance, can be required via condition.

DRAINAGE

5.37 The site is outside of flood zones 2 and 3. In terms of flood risk the development accords with section 14 of the NPPF in terms of steering new development to areas with the lowest risk of flooding.

5.38 The NPPF states major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority. DLP 2018 policy ENV5: Drainage states that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

5.39 There is an agreed drainage strategy which incorporates the restricted run-off required under local policy. The agreed scheme can be secured through planning conditions.

SUSTAINABILITY

5.40 Local Plan Policy CC2 'Sustainable Design and Construction of New Development' states that all new residential dwellings should achieve on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013). Following recent changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable.

5.41 The applicants have advised that, although when the application was made policy targets were less onerous, the scheme will achieve at least a 31% improvement over Building Regulations. A condition shall be applied to secure policy requirements in CC2.

PLANNING OBLIGATIONS

5.42 Policy DM1 of the DLP 2018 states that the Council will seek financial contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. The following considerations arise from this application:

Affordable housing

In determining affordable housing requirements Vacant Building Credit is applicable. The policy ask therefore equates to 5 dwellings. The Council's affordable housing team advise in this case an off-site contribution would be most appropriate; they do not think a registered provider would be interested in managing only 5 dwellings. The off-site contribution, based in DLP 2018 policy H10 would be £1,234,146.27

Education

5 additional school places (2 primary, 1 secondary, and 2 early years). £115, 089.

Open Space

All residential development proposals are expected to contribute to the provision of open space for recreation and amenity. Applicable DLP 2018 policy GI6. The scheme does propose enhancements to the adjacent graveyard, which include inclusive access.

A contribution towards off-site amenity, play, and sport is considered necessary. The contributions would be as follows -

Sport – £10,863

Children's play – £8,416

The amenity space contribution would be £7,700. However, this contribution is not sought as the scheme includes improved access and quality of the graveyard adjacent the site.

VIABILITY

5.43 The scheme has been subject to independent review of viability and construction costs. In accordance with guidance the FVA has been published. There is a recommendation from the district valuer (representing the Council) that the FVA demonstrates that policy compliant planning obligations are not achievable on this site. The advice is that the scheme at most can afford to provide £170,000 towards planning obligations. The applicants have agreed to this contribution. The sum of £170,000 would cover the education and open space policy requirements in full but not the full amount of the off-site affordable housing contribution. The Affordable Housing Contribution would be reduced to £35,632.

5.44 Paragraph 58 of the NPPF and Government guidance in the NPPG state that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment. The NPPG advocates the use of review mechanisms to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.

5.45 Officer's advice is that given the benefits of the scheme overall (when considered against NPPF policy) and given that it has been subject to an independent review, the lack of a policy compliant planning obligation is not grounds to refuse the scheme. A s106 agreement could secure the £170,000 that the scheme is able to provide, and a review mechanism can be included should there be any more value in the scheme on completion. The contribution will comply with Regulation 122 of the Community Infrastructure Levy Regulations which requires that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (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.

6.0 CONCLUSION

6.1 The site is within an area identified for regeneration in the DLP 2018 (Castle Gateway). The scheme makes effective use of land and would provide housing and these are benefits to be given substantial weight according to the NPPF. There would not be harm to heritage assets, no undue impact on surrounding occupant's amenity and technical issues can be addressed through conditions. The scheme is unable to be policy compliant in terms of affordable housing provision and this has been independently verified by the Council's district valuer. A review mechanism can be included in a legal agreement to capture any uplift in value of the scheme.

7.0 RECOMMENDATION:

That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

- i. The completion of a Section 106 Agreement to secure the following planning obligations:
 - Education - 5 additional school places (2 primary, 1 secondary, and 2 early years). £115,089.
 - Open Space – £8,416 towards play space within 720m from the site.
 - Sport – £10,863 - Improvements to facilities at one or more of the following sites / clubs: York RI Queen Street, Rowntree Park Tennis Club, York Canoe Club, or another project within the ward or connecting wards.
 - Affordable housing – off site contribution of £35,632.
 - Viability review mechanism

- ii. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
- iii. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions

Conditions

- 1 TIME2 Development start within three years
- 2 Approved plans

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

Demolition plan 2018-059 0601 revision B
Site plan - 2018 - 059 0103 revision J
Landscape masterplan - 1335 -001 revision E

Floor plans and roof
2018-059 - 0202 L, 0203 M, 0204 E, 0205 E, 0206 E, 0207 E, 0208 F

Elevations and sections
2018-059 0210 F, 02011 E, 2018-059 0220 E

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

- 3 Restricted hours of construction

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

Reason: To protect the amenities of adjacent residents.

- 4 Construction management

Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall include:

-

- Measures to keep the highway clean (such as wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type).
- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the Draft Local Plan 2018.

5 Dilapidation survey

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

6 Archaeology

a) Prior to groundworks or any on-site archaeological evaluation, a written scheme of investigation (WSI) for evaluation shall be submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by LPA and the Chartered Institute for Archaeologists.

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

c) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the

evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

d) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI (there shall be presumption in favour of preservation in-situ wherever feasible).

No groundworks shall take place until:

- details in part d) have been approved and implemented on site.
- provision has been made for analysis, dissemination of results and archive deposition has been secured.

Reason: The site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. This condition is imposed in accordance with Section 16 of NPPF.

7 Land contamination - Site investigation

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

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

This shall be conducted in accordance with DEFRA and the Environment Agency's

'Model Procedures for the Management of Land Contamination, CLR 11'.

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

8 Land contamination - remediation scheme

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

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

9 Land contamination - remedial works

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

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

10 Land contamination - unexpected contamination

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

must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

11 Large scale details and materials

Large scale drawings, including full sections to illustrate the building profile and articulation, showing typical details of the building facade shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction and the works shall be carried out in accordance with the approved details.

Sample panels of the brickwork to be used on the building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of good design and visual amenity, in accordance with the NPPF section 12.

12 carbon reduction

The dwelling(s) hereby permitted shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwelling(s) not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the

transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

13 Tree Protection

The development shall be carried out in accordance with the tree protection measures within the Arboricultural Report JCA Ref: 14984e/DK.

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

14 Vegetation Removal

No vegetation clearance or tree felling/maintenance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful and detailed check of suitable habitats for active nests immediately before the works commence. Written confirmation should be submitted to the local planning authority, detailing where works within suitable habitats have been undertaken within the nesting bird period, the outcome of checking surveys, and identify requirements for protection measures.

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

15 Biodiversity

The mitigation and biodiversity gain recommendations; including two bat boxes and two bird boxes, as specified in the Wold Ecology Bat Survey (September 2023), method statement (section 7.2) and recommendations (section 8.5) shall be provided prior to first occupation of the development hereby permitted.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 (d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures

16 Lighting

Any external lighting installed shall be in accordance with the lighting recommendations in section 7.2.6 of the Wold Ecology Bat Survey (September

2023).

Reason: to minimise impact on protected species and provide net gains for biodiversity in accordance with NPPF section 15.

17 Noise insulation

The building envelope of all residential accommodation shall be constructed to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) during the night (23:00-07:00 hours). The LAFMax level shall not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or, if necessary, windows closed and other means of ventilation provided.

Reason: In the interests of good design and the amenity of future users of the building.

18 Drainage

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

Reason: In the interest of satisfactory and sustainable drainage.

19 Drainage

The development shall be carried out in accordance with the details shown on the submitted Drainage Calculations - Re: CAL01(P04) and the Drainage Strategy and Impermeable Areas Plan - Re:18433-DCE-XX-XX-D-C-100 revision P04 both dated 14th February 2023.

Reason: In the interest of satisfactory and sustainable drainage

20 Making good to public highway

The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing and footway to match adjacent levels and materials.

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

21 Cycle parking

Prior to first occupation of the development hereby permitted the areas shown on the approved plans for parking and manoeuvring of cycles shall be constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To promote sustainable travel in accordance with NPPF section 9.

22 Landscaping

The landscaping measures as shown on the landscape masterplan shall be implemented within a period of six months of the completion of the development. Following installation, should any trees or plants die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In accordance with NPPF placemaking policies in sections 8 and 12; to address the needs of future residents and to achieve healthy, inclusive and safe places.

8.0 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: sought revised plans, negotiation and the use of conditions to make the scheme acceptable.

2. INFORMATIVE:

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

3. Consent for highway works

You are advised that prior to starting on site, consent will be required from the

Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact the section(s):

- Works in the highway (Section 171) - streetworks@york.gov.uk
- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14) highway.regulation@york.gov.uk

Contact details:

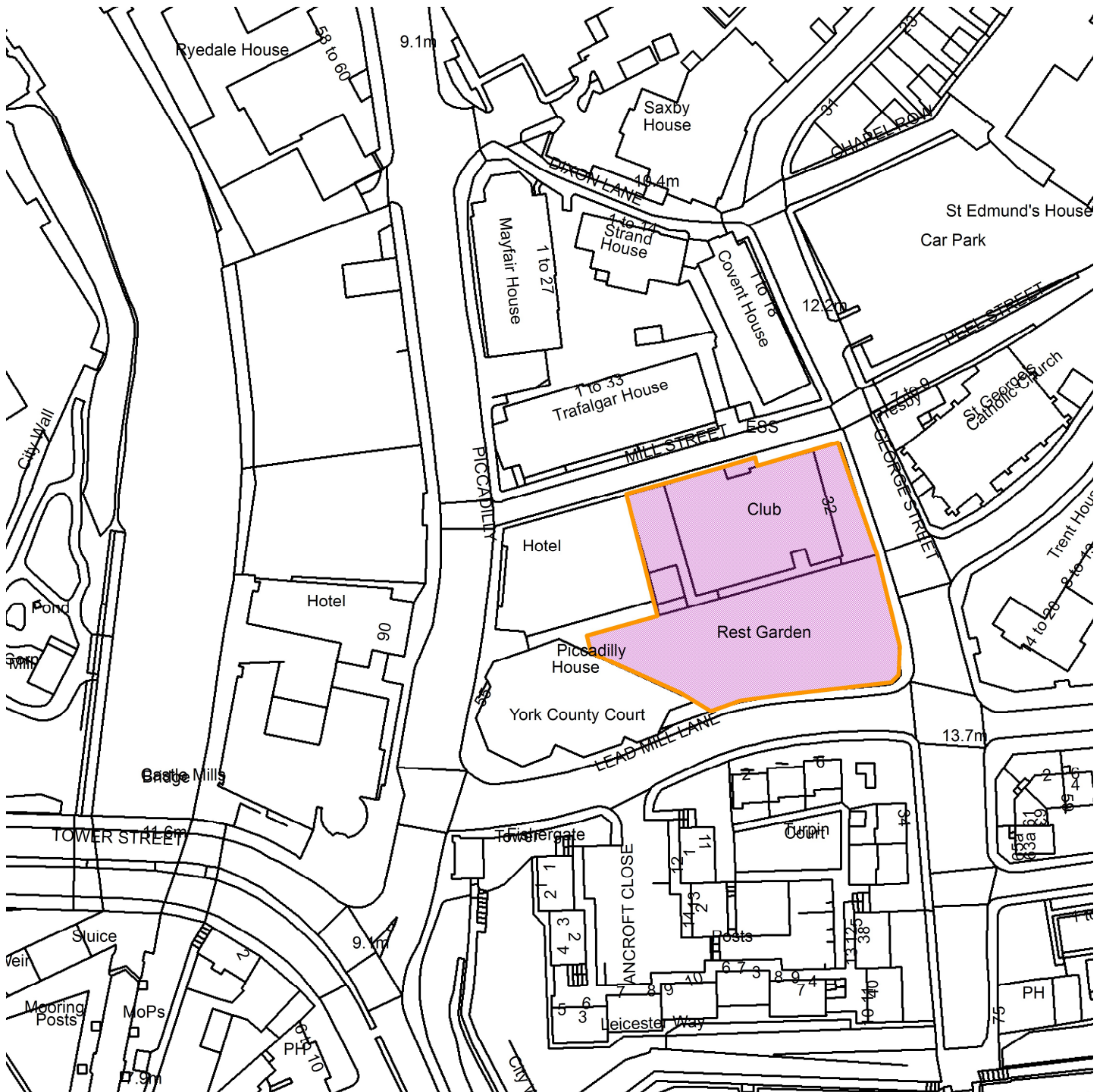
Case Officer: Jonathan Kenyon

Tel No: 01904 551323

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1 Mill Street, York YO1 9PY

21/01045/FULM



Scale : 1:1201

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	02 January 2024
SLA Number	Not Set

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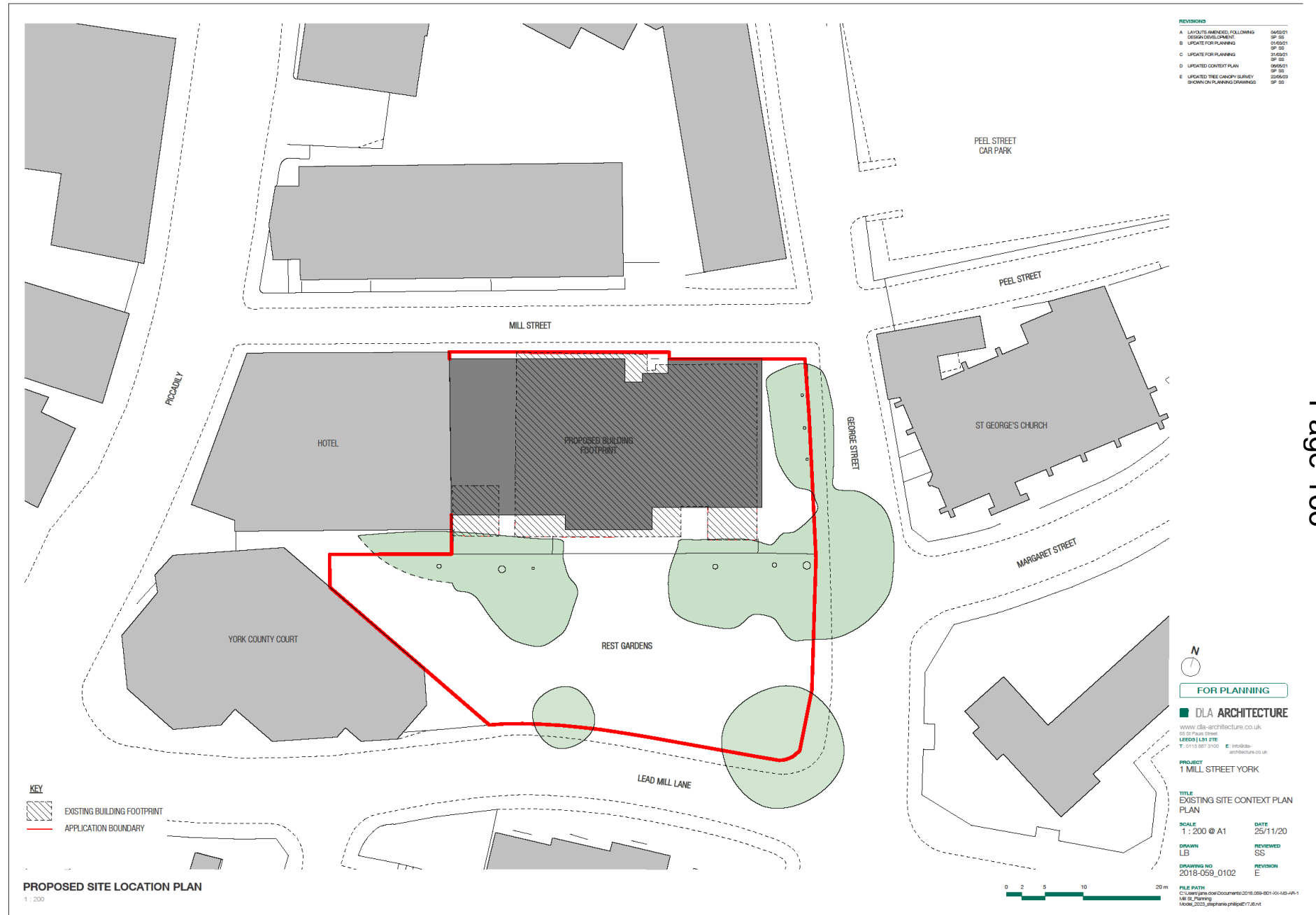


Planning Committee B

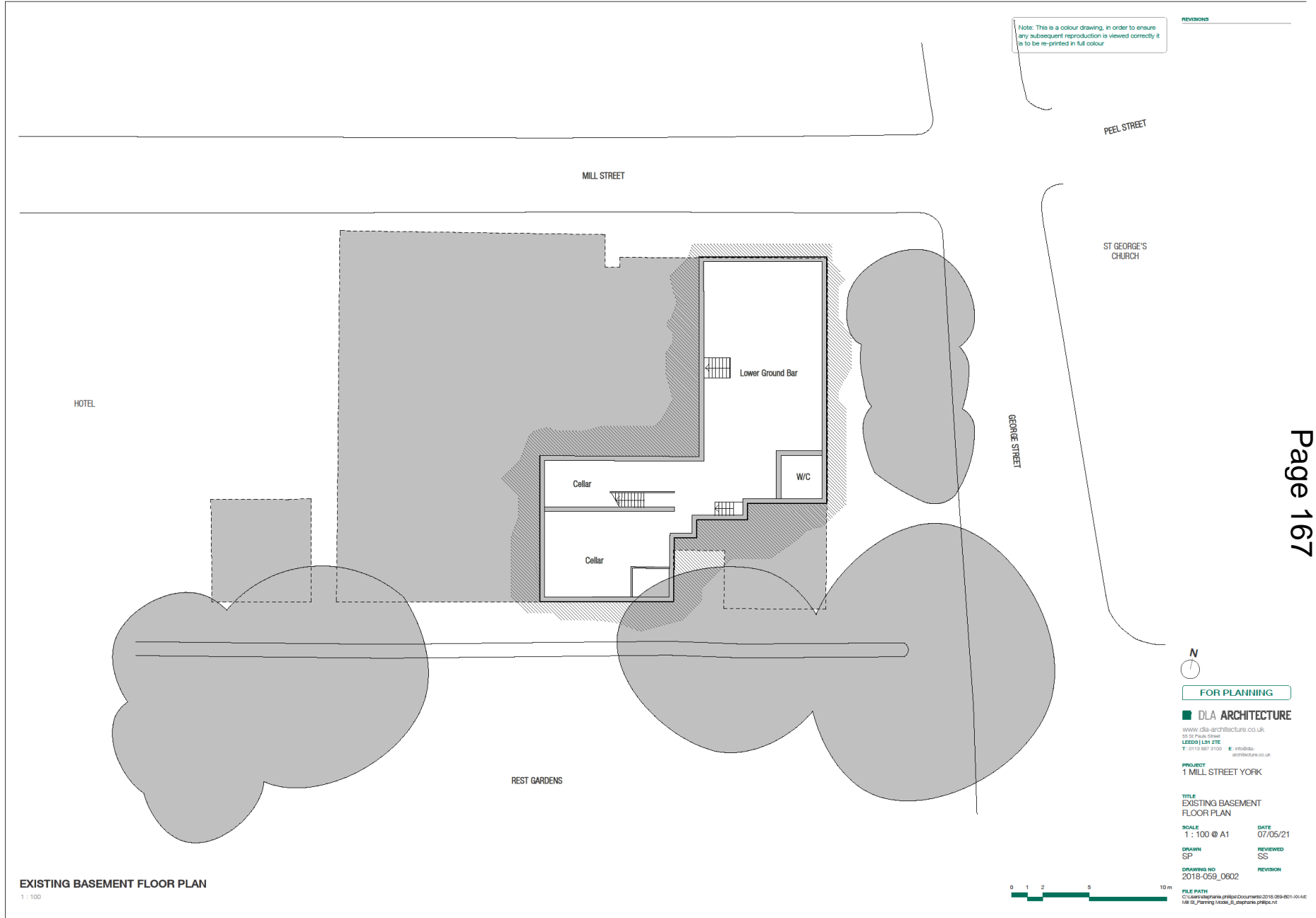
21/01045/FULM

Tramways Club 1 Mill Street

Site Plan – existing building shown as hatched



Existing floor plan – basement



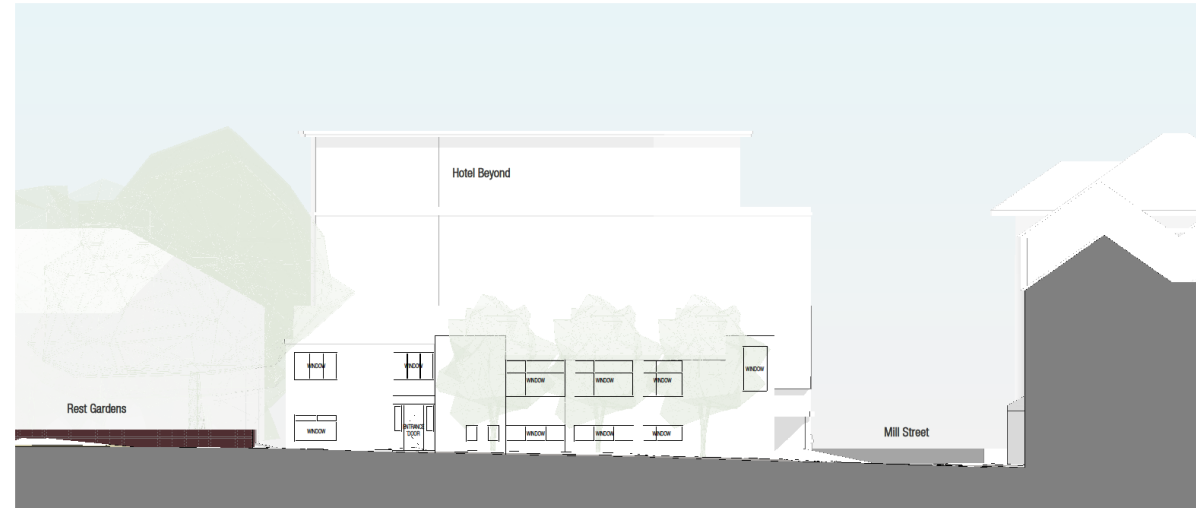
Existing Floor plans – ground floor



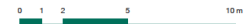
Existing North and East elevations



EXISTING NORTHERN ELEVATION
1 : 100



EXISTING EASTERN ELEVATION
1 : 100



FOR PLANNING

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PROJECT
1 MILL STREET YORK

TITLE
EXISTING ELEVATIONS

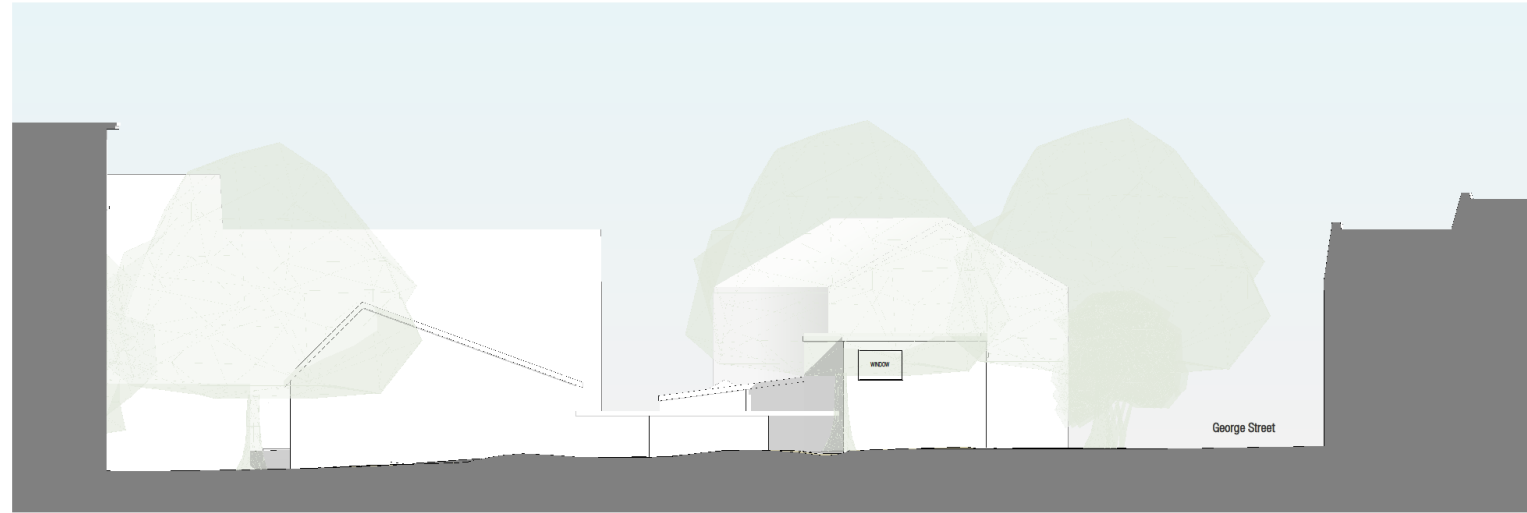
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07/05/21

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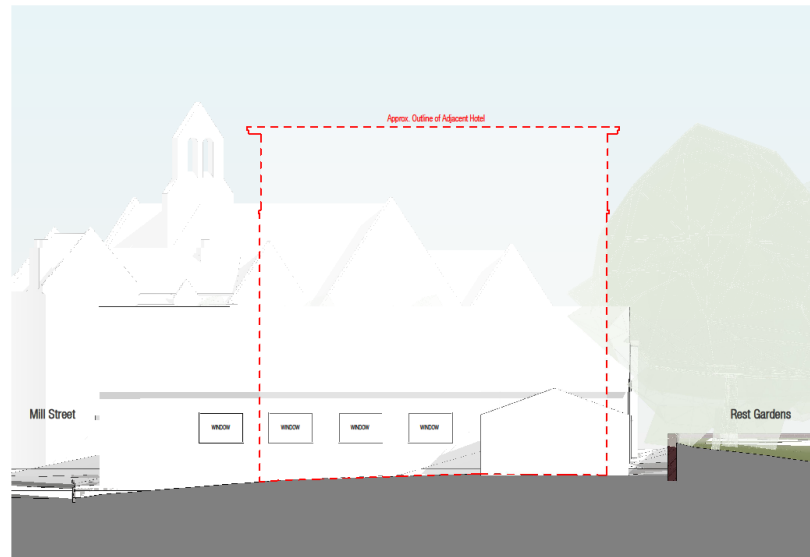
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Existing South and West elevations



EXISTING SOUTHERN ELEVATION
1 : 100



EXISTING WESTERN ELEVATION
1 : 100

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PROJECT
1 MILL STREET YORK

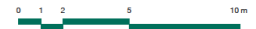
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07/05/21

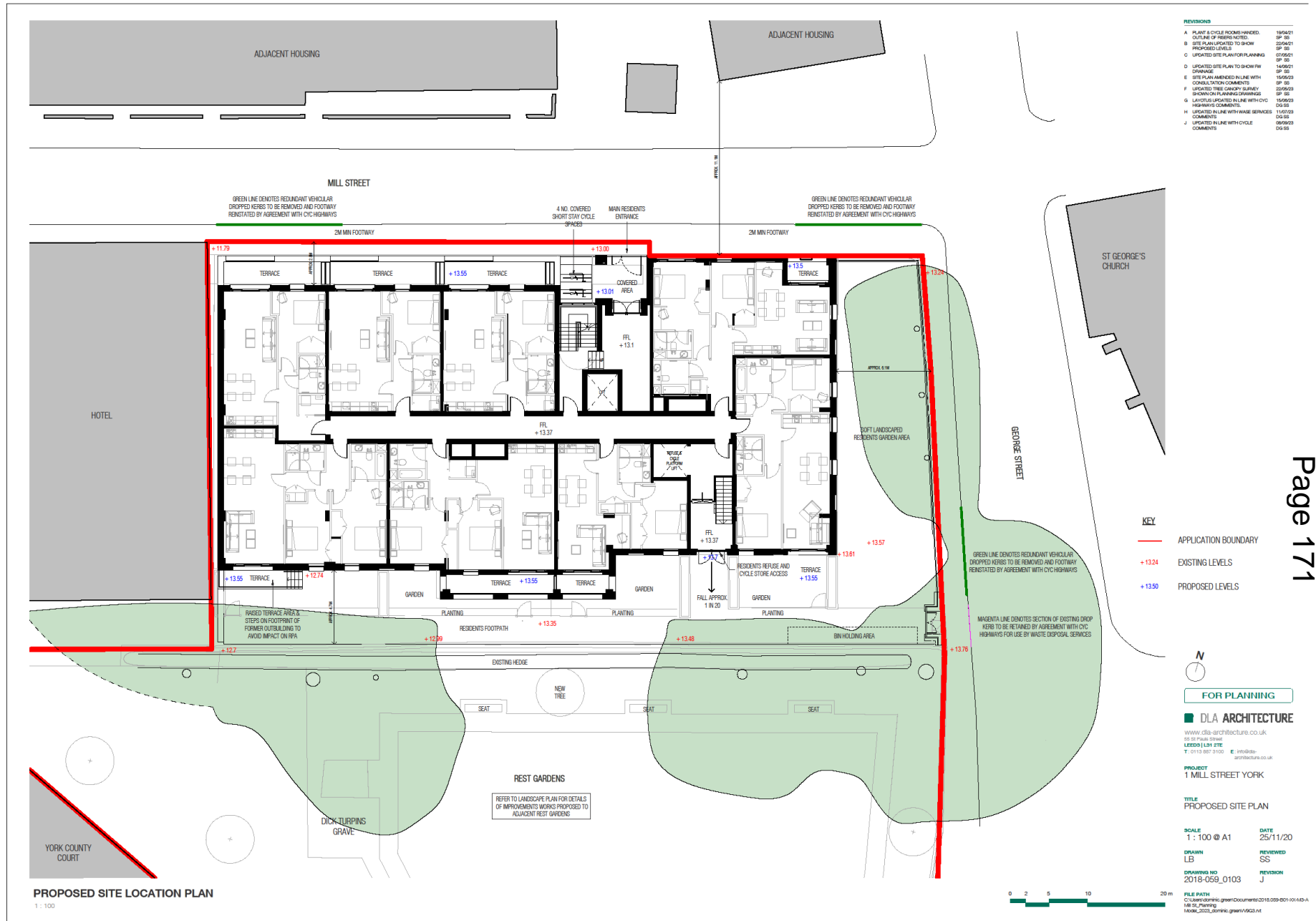
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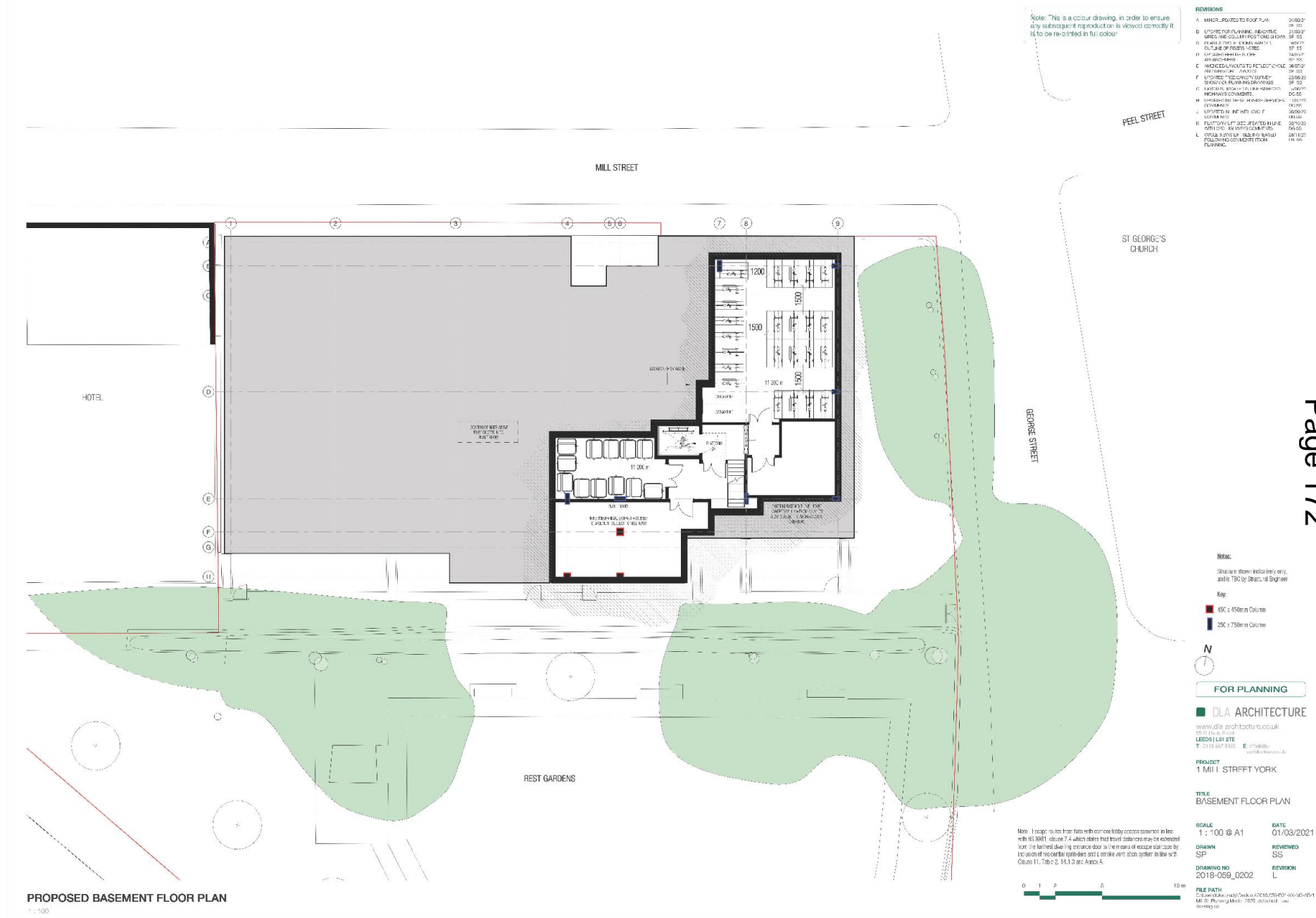
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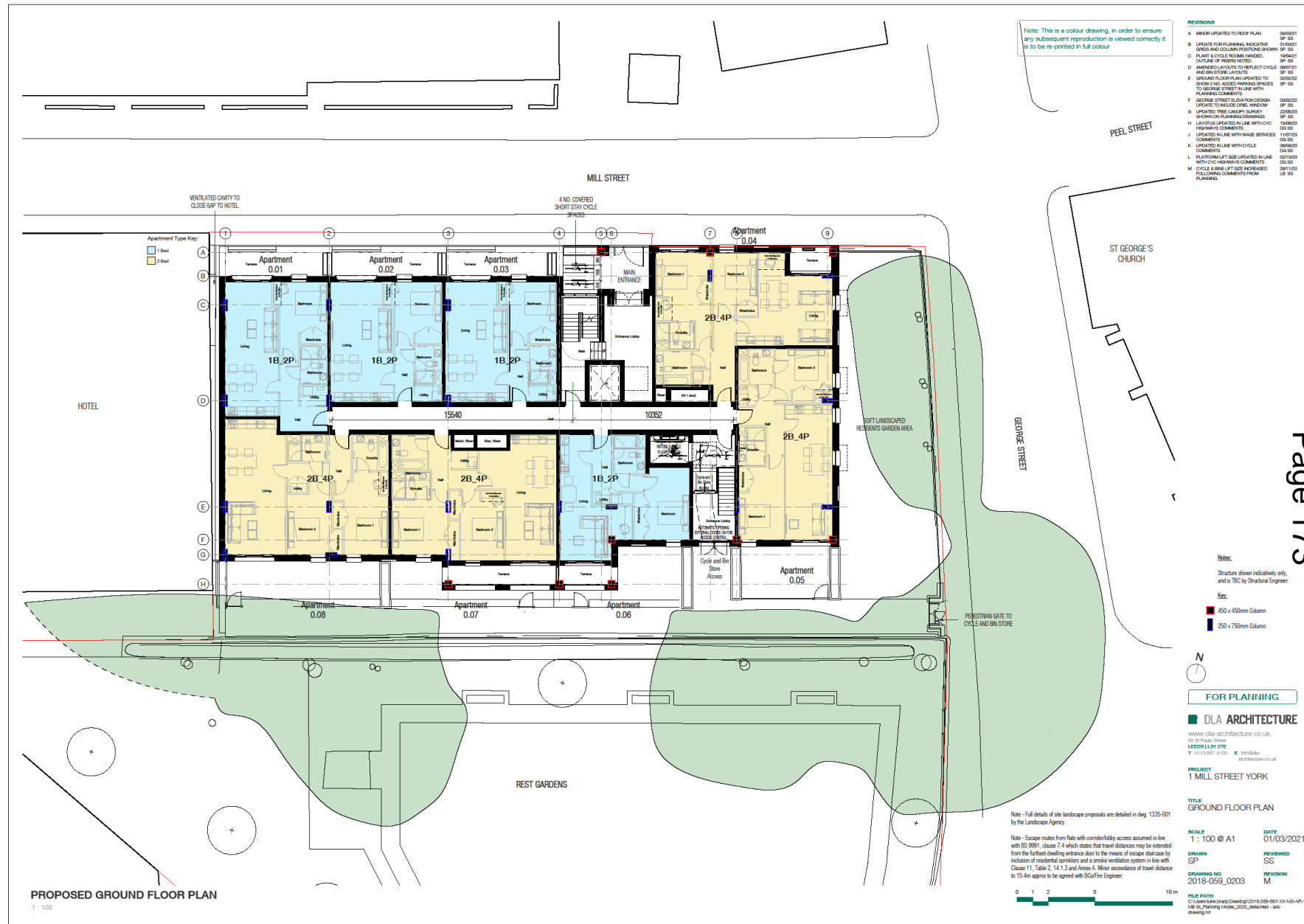
Proposed Site Plan



Proposed basement floor plan



Proposed ground floor plan



Note: This is a colour drawing, in order to ensure any subsequent reproduction is viewed correctly it is to be re-printed in full colour

REVISIONS

A	MINOR UPDATES TO ROOF PLAN	04/03/21
B	UPDATES FOR PLANNING INDICATIVE GRID AND COLUMN POSITIONS SHOWN	05/03/21
C	PLAN & CYCLE ROOMS LANDED	15/04/21
D	OUTLINE OF BIEREN HOTEL	07/05/21
E	AMENDED LAYOUTS TO REFLECT CYCLE AND BIEREN LAYOUTS	08/05/21
F	GROUND FLOOR PLAN UPDATED TO SHOW 4 NO. ACCES HWYWAY SPACES TO GEORGE STREET IN LINE WITH PLANNING COMMENTS	08/05/21
G	GEORGE STREET ELEVATION DESIGN UPDATES TO INCLUDE CYCLE WINDOW	08/05/21
H	UPDATES TREE GROUP SURVEY SHOWN ON PLANNING DRAWINGS	20/05/23
I	LAYOUTS UPDATED IN LINE WITH CYC HIRSHWIS COMMENTS	15/06/23
J	UPDATES IN LINE WITH HWISE SERVICES COMMENTS	11/07/23
K	UPDATES IN LINE WITH CYCLE COMMENTS	09/08/23
L	PLATFORM LIFT SIZE UPDATED IN LINE WITH CH HIRSHWIS COMMENTS	09/10/23
M	CYCLE & BINE LIFT SIZE INCREASED FOLLOWING COMMENTS FROM PLANNING	29/11/23

Notes:
Structure shown indicatively only, and is to be checked by Structural Engineer

Key:
 450 x 450mm Column
 250 x 750mm Column

FOR PLANNING

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PROJECT: 1 MILL STREET YORK

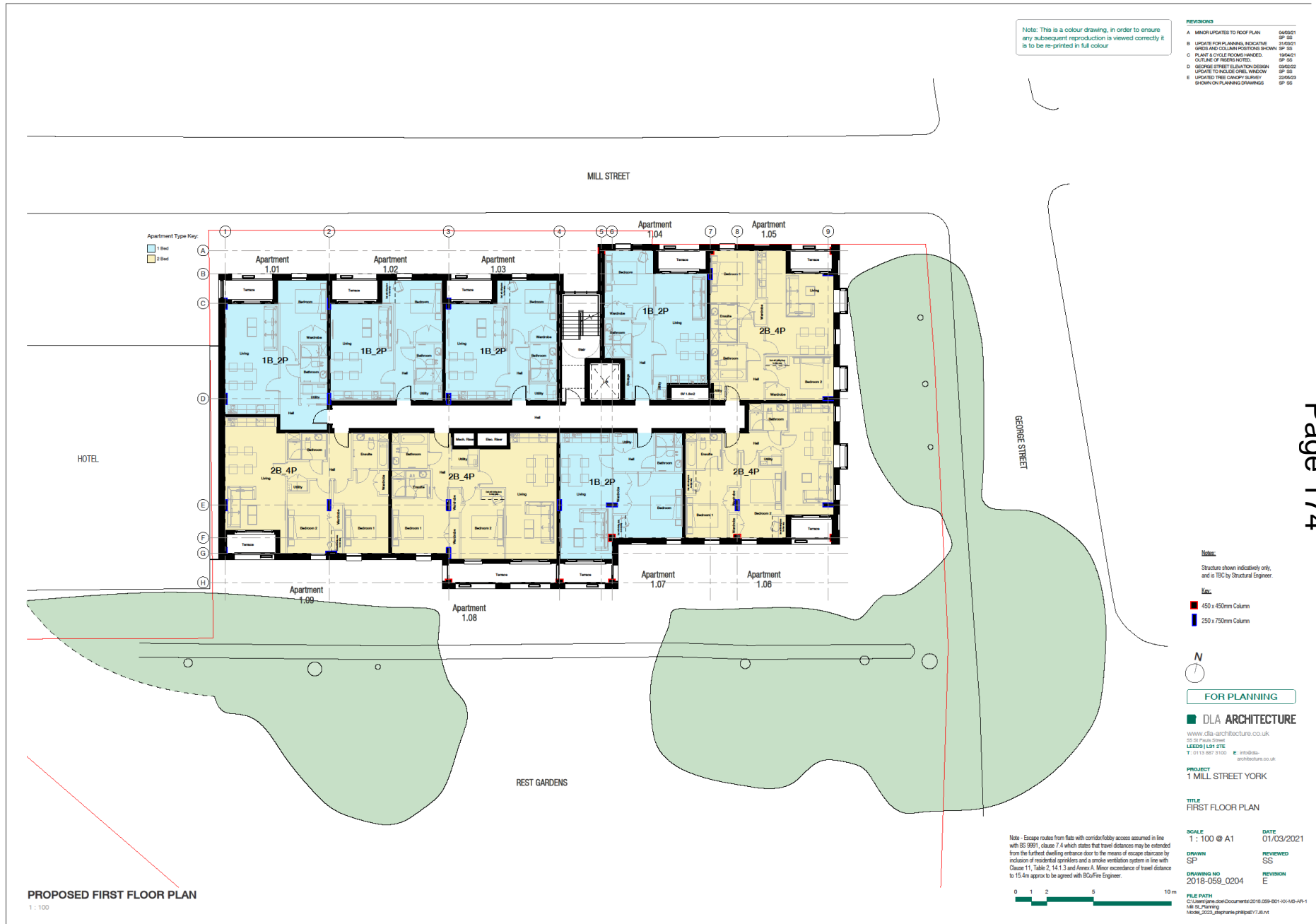
TITLE: GROUND FLOOR PLAN

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DATE: 01/03/2021
DRAWN: CJP
REVIEWED: CJP
DRAWING NO: 2018-059_0203
REVISION: M

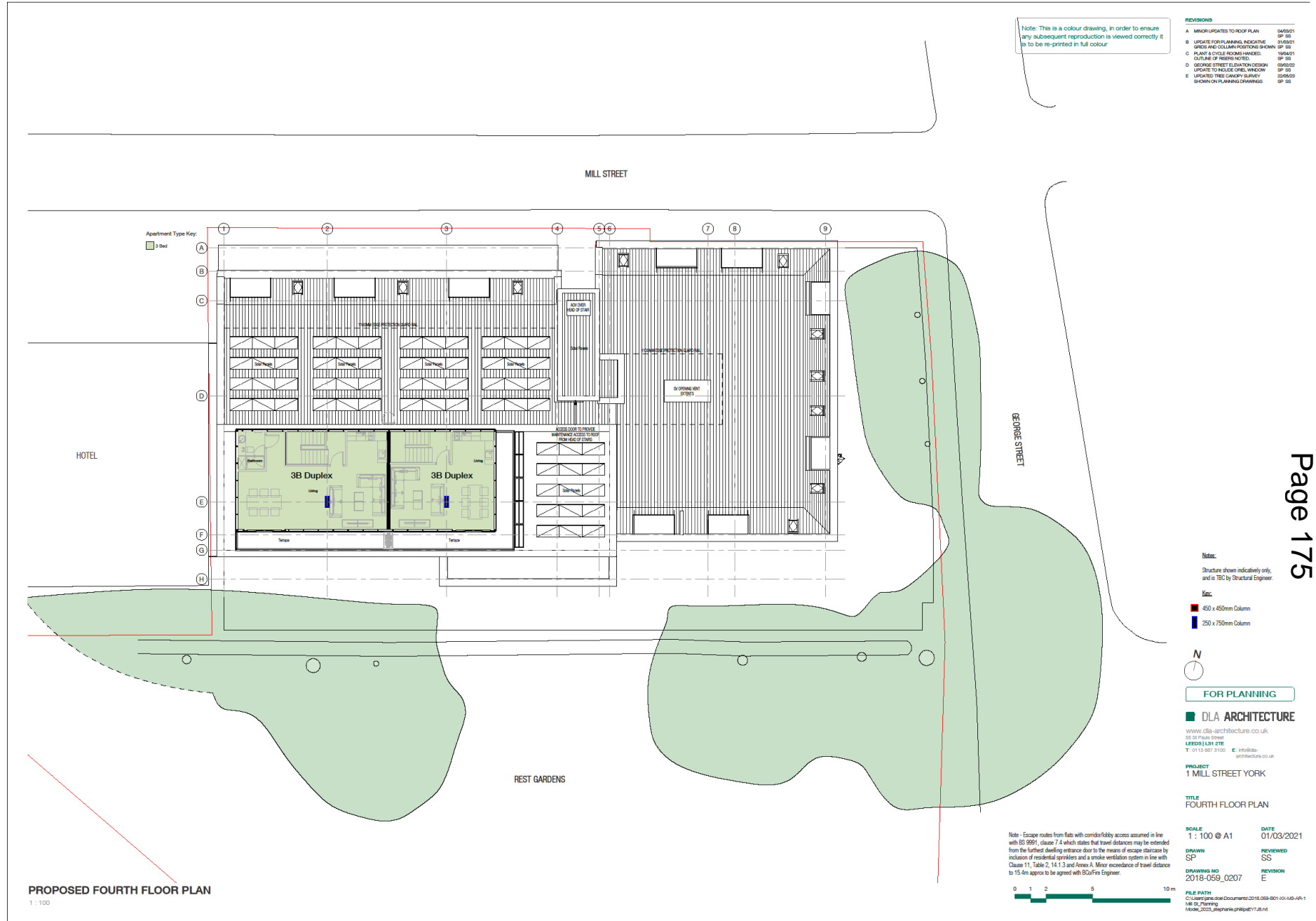
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PROPOSED GROUND FLOOR PLAN
1:100

Proposed typical upper floors plan



Proposed fourth floor plan



Proposed north and east elevations

REVISIONS

A. MINOR UPDATES TO ROOF PLAN	04/03/21
B. UPDATE FOR PLANNING	21/03/21
C. PLANT & CYCLE ROOMS HANDED OUTLINE OF PREPARED NOTES	18/04/21
D. GEORGE STREET ELEVATION DESIGN UPDATE TO INCLUDE ORIEL WINDOW	02/05/22
E. UPDATED TREE CANOPY PLANNING SHOWN ON PLANNING DRAWINGS	22/06/22
F. LAYOUTS UPDATED IN LINE WITH CIC HIGHWAYS COMMENTS	18/08/22
	05/09/22



PROPOSED NORTHERN ELEVATION
1 : 100



PROPOSED EASTERN ELEVATION
1 : 100

- Material Key:**
- Smooth Red/Orange Multi Brick (exact specification TBD) laid Stretcher bond with expressed surround to window openings. Dark grey recessed pointing. Projecting string course detail where shown to delineate floor level or parapet upstand.
 - Light Buff Brick/off-white (exact specification tbc) laid Stretcher bond with expressed surround to window openings. Light grey recessed pointing. Projecting string course detail where shown to delineate floor level or parapet upstand.
 - Stone plinth, ashlar type finish with expressed horizontal joints.
 - Loaned panel to terrace (Frame colour TBC - bronze effect).
 - PPC aluminium windows and doors with double glazed units (Frame colour TBC - bronze effect).
 - PPC aluminium windows with double glazed units (Frame colour TBC - bronze effect).
 - Feature window surround (finish tbc).
 - Art stone capping detail with concealed gutter behind parapet.
 - Zinc effect aluminium roof with welded joint (PPC finish - colour zinc).
 - Top hung rooflight with associated flashing kit (colour - grey).
 - Recessed terrace formed within roof. Terrace cheeks to be Zinc effect aluminium roof with welded joint (PPC finish - colour zinc).
 - Lift overrun (finish tbc).
 - Bronze effect loaned panels with insulated back panels, where necessary.
 - Clear glass balustrade with powder coated aluminium handrail (colour tbc). Exact vertical joint setting out subject to supplier input. Use of glass balustrade within external wall build up subject to agreement with BCO regarding combustibility. Balustrade may need to be amended to ppc metal fabric if dictated by Building Regs.
 - Bronze effect ppc capping detail (ppc - colour bronze effect).
 - Roof mounted PV panels - exact number and location subject to MSE detailed design.
 - Bronze effect rainscreen cladding.
 - Falze window surround in brick finish to match adjacent brickwork.
 - PPC curtain walling with double glazed units (Frame colour TBC - bronze effect). Look-a-like glazing with ceramic control backing, where shown and insulated rear panel.
 - Boundary treatment - refer to Landscape Agency plan for planting details. Vertical bar balustrade where shown in bronze effect painted finish to delineate boundary.
 - Terrace screen with planting - refer to Landscape Agency plan for planting details.
 - Terrace paving - finish tbc.
 - Entrance gates - vertical bar type (colour tbc).
 - Boundary planting to Mill Street illustrative only and subject to agreement with highways as narrow 5m footway.
 - Lightweight Canopy over short stay cycle spaces in line with CIC Highways comments.

FAÇADE MATERIAL KEY (PLANNING)

1 : 100



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PROJECT
MILL STREET YORK

TITLE
PROPOSED ELEVATIONS

SCALE
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DATE
01/03/21

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REVISION
SS

DRAWING NO
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Proposed south and west elevations

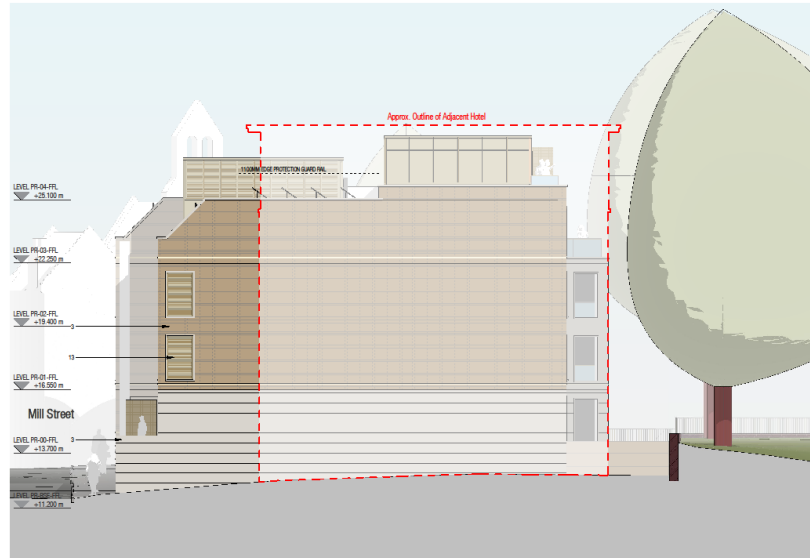
REVISIONS

A	MINOR UPDATES TO ROOF PLAN	04/03/21	SP
B	UPDATE FOR PLANNING & WESTERN ELEVATION ACCESS	31/03/21	SP
C	PLANT & CYCLE ROOMS HANDED. OUTLINE OF INSIDE NOTED.	18/04/21	SP
D	GEORGE STREET ELEVATION DESIGN UPDATE TO INCLUDE GRES. WINDOW	05/05/22	SP
E	UPDATED TREE CANOPY SURVEY SHOWN ON PLANNING DRAWINGS	20/05/23	SP



PROPOSED SOUTHERN ELEVATION

1 : 100



PROPOSED WESTERN ELEVATION

1 : 100

- Material Key:**
- Smooth Red/Orange Multi Brick (exact specification TBC) laid Stretcher bond with expressed surround to window openings. Dark grey recessed pointing. Projecting string course detail where shown to delineate floor level or parapet upstand.
 - Light Buff Brick/Off-white (exact specification TBC) laid Stretcher bond with expressed surround to window openings. Light grey recessed pointing. Projecting string course detail where shown to delineate floor level or parapet upstand.
 - Stone plinth, ashlar type finish with expressed horizontal joints.
 - Lowest panel to terrace (Frame colour TBC – bronze effect).
 - PPC aluminium windows and doors with double glazed units (Frame colour TBC – bronze effect).
 - PPC aluminium windows with double glazed units (Frame colour TBC – bronze effect).
 - Feature window surround (finish TBC).
 - Art stone capping detail with concealed gutter behind parapet.
 - Zinc effect aluminium roof with wetted joint (PPC finish – colour zinc).
 - Top hung outlight with associated flashing kit (colour – grey).
 - Recessed terrace formed within roof. Terrace cheeks to be Zinc effect aluminium roof with wetted joint (PPC finish – colour zinc).
 - Lift overcoat (finish TBC).
 - Bronze effect boarded panels with insulated back panels, where necessary.
 - Clear glass balustrade with spc coated aluminium handrail (colour TBC). Exact vertical joint setting out subject to supplier input. Use of glass balustrade within external wall build up subject to agreement with BOD regarding combustibility. Balustrade may need to be amended to spc metal flats if dictated by Building Regs.
 - Bronze effect spc capping detail (spc – colour bronze effect).
 - Roof mounted PV panels – exact number and location subject to M&E detailed design.
 - Bronze effect rainscreen cladding.
 - Falser window surround in brick finish to match adjacent brickwork.
 - PPC curtain walling with double glazed units (Frame colour TBC – bronze effect). Look-a-like glazing with ceramic coated backing, where shown and insulated rear panel.
 - Boundary treatment – refer to Landscape Agency plan for planting details. Vertical bar balustrade where shown in bronze effect painted finish to delineate boundary.
 - Terrace screen with planting – refer to Landscape Agency plan for planting details.
 - Terrace paving – finish TBC.
 - Entrance gates – vertical bar type (colour TBC).
 - Boundary planting to Mill Street illustrative only and subject to agreement with highways as narrow 2m footway.

FAÇADE MATERIAL KEY (PLANNING)

1 : 100

FOR PLANNING

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PROJECT
1 MILL STREET YORK

TITLE
PROPOSED ELEVATIONS

SCALE
1 : 100 @ A1

DATE
01/03/21

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SP

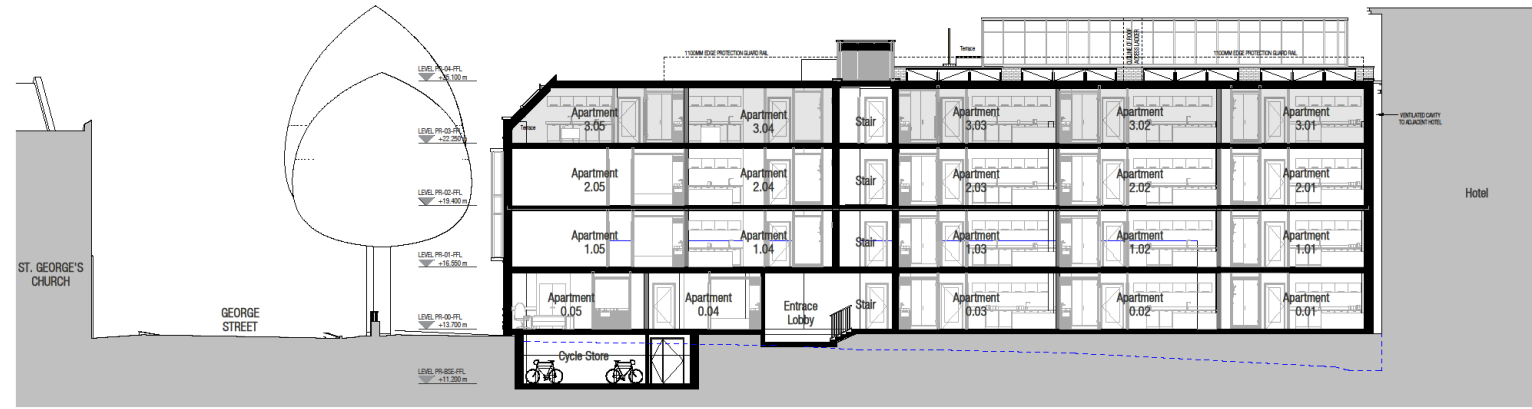
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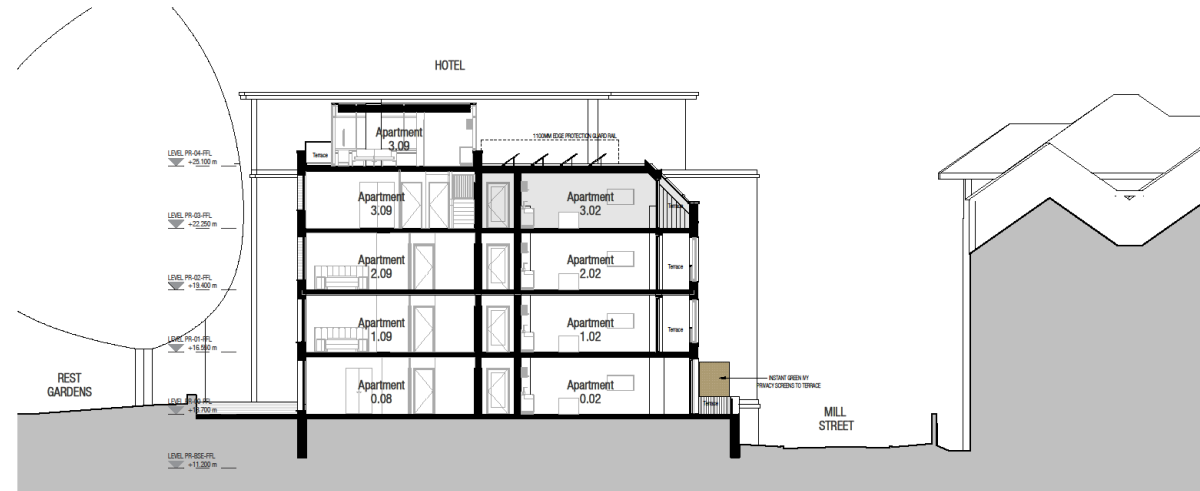
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Proposed sections

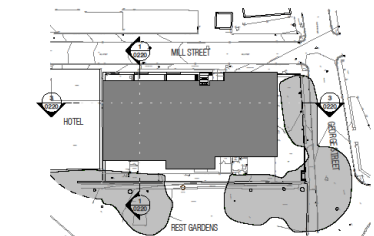


PROPOSED SECTION 3
1 : 100

Key
--- Approximate Existing Topography Line



PROPOSED SECTION 1
1 : 100



KEY PLAN
1 : 500



- REVISIONS**
- A. WINDOW LIGHTS TO ROOF PLAN 04/03/21 SP SS
 - B. UPDATE FOR LAMPING 21/03/21 SP SS
 - C. PLAN & CYCLE ROOMS HATCHED 16/04/21 SP SS
 - D. OUTLINE OF RISERS HATCHED 16/04/21 SP SS
 - E. PROVISIONAL TRAIL FROM PUBLIC BLUE ROOF INDICATED ON SECTIONS 02/11/22 SP SS
 - F. LAYOUT UPDATED IN LINE WITH CIVIC HIGHWAYS COMMENTS 16/06/23 DS SS

FOR PLANNING

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PROJECT
1 MILL STREET YORK

TITLE
PROPOSED SECTIONS

SCALE
As indicated @ A1

DATE
01/03/21

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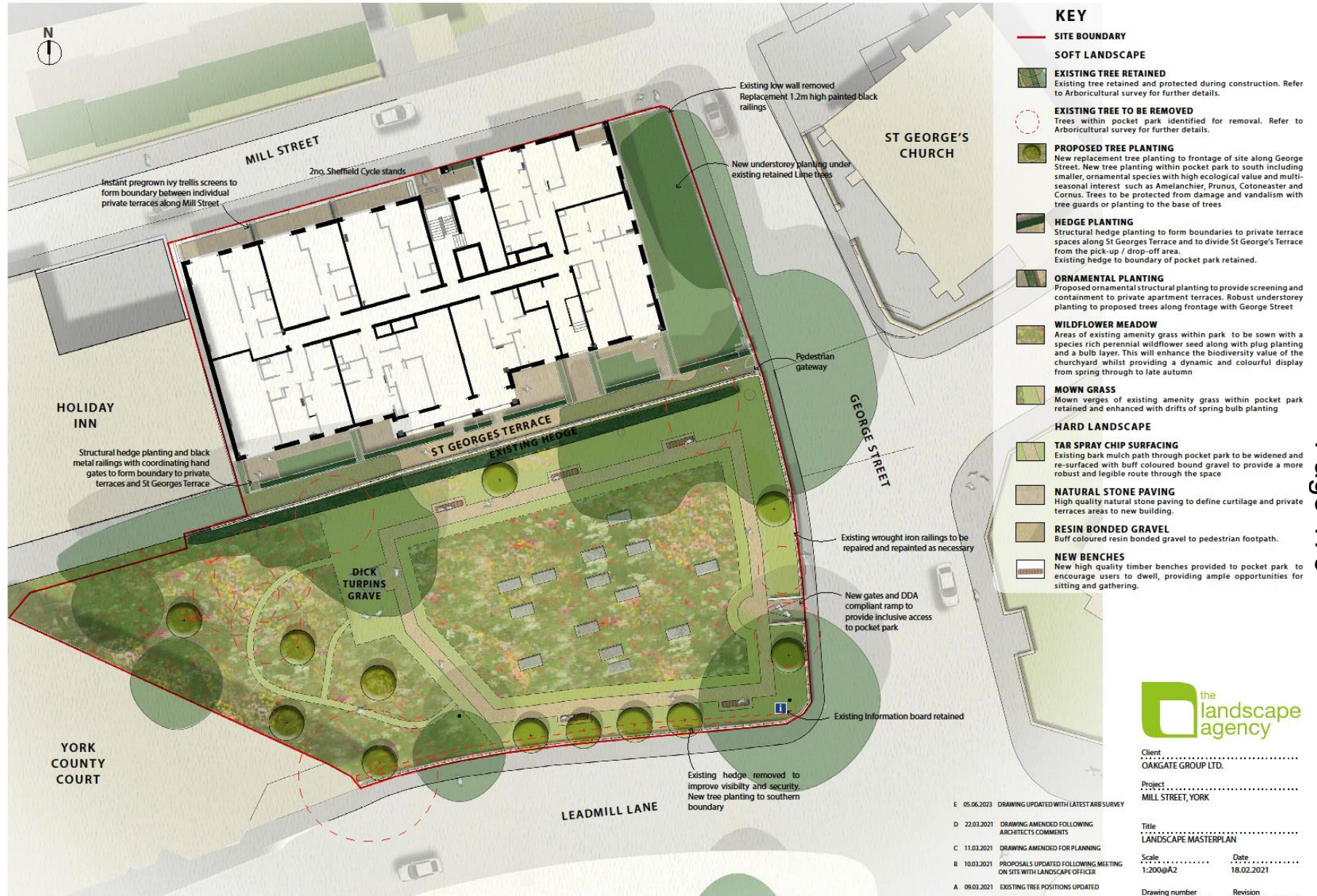
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Planning Committee B

17 January 2024

Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 April and 30 June 2023. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate (PINs) on a quarterly and annual basis. The Government use the 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 major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the quarter for all types of planning appeals such as those against the refusal of planning permission, listed building applications and lawful development certificates. In the corresponding quarter the Planning Inspectorate allowed 29% of appeals determined in England. Appeals against conditions of approval do not form part of the PINs statistics but are referred to in tables 1 and 2 for information.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/04/23 to 30/06/23
Allowed	8*
Split decision	0
Dismissed	10
Total Decided	18
% Allowed	44%*

*includes 2 appeal decisions relating to a condition of approval. The percentage allowed figure is 37.5% if these decisions are removed.

- 4 There were no appeal decisions received during the quarter relating to an application for a “major” development.
- 5 For the 12 months period 1 July 2022 to 30 June 2023, 36% of CYC appeals decided were allowed. In England 29% of appeals were allowed over the same period. The CYC figure includes appeal decisions that would not be used in Planning Inspectorate returns.

Table 2: CYC Planning Appeals 12-month Performance

	01/07/22 to 30/06/23	01/07/21 to 30/06/22
Allowed	21*	10
Split decision	0	1
Dismissed	37	26
Total Decided	58*	37
% Allowed	36%*	27%

*includes appeal decisions relating to a condition of approval. These appeals are not used by PINs when collating their statistics.

- 6 The latest available figures from the Department of Levelling Up Housing and Communities (the assessment criteria set out in paragraph 2 above) show that, over the 2-year rolling assessment period, 0.7% of the total CYC decisions made in respect of non-major applications and 0% of total decisions made in respect of major applications were overturned at appeal. The comparison figures for England are 0.9% and 2.2% respectively. There were no appeals in respect of “county-matter” applications during the period.
- 7 A list of the planning appeals determined between 1 April and 30 June 2023 are included in Appendix A. Summaries of the decisions are included in Appendix B.
- 8 One of the appeals determined followed a decision to refuse permission made by the Planning Committees.

Appn No	Address	Officer Rec	Comm Dec	Appeal decision
21/00304/FUL	The Magnet 57 Osbalwick Lane	Approve	Refused	Allowed

- 9 The list of outstanding appeals is attached at Appendix C. There are 13 appeals of all types awaiting determination. There are two decisions pending relating to a Major development.

Consultation

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

Council Plan

- 11 The report is relevant to the “A health generating city, for children and adults,” “A fair, thriving, green economy for all,” Sustainable accessible transport for all,” “Increasing the supply of affordable good quality housing” and “Cutting carbon, enhancing the environment” city priorities of the Council Plan 2023-2027.

Implications

- 12 Financial – There are no financial implications directly arising from the report.
- 13 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.
- 14 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 15 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 17 That Members note the content of this report.

Reason

- 18 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

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Chief Officer Responsible for the report:

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Head of Planning and Development
Services

**Report
Approved**



Date 18.12.2023

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Appendices

- Appendix A Planning Appeals decided between 1 April and 30 June 2023
- Appendix B Summaries of Planning Appeals decided between 1 April and 30 June 2023
- Appendix C Planning Appeals Outstanding at 28 December 2023

Planning Appeals Decided Between 1 April and 30 June 2023

Ward	Case number	Appeal number	Proposal	Address	Date decided	Decision
Bishopthorpe	22/01078/FUL	APP/C2741/D/23/3314086	Rear dormer type extension within existing valley roof	Cherry Garth 50 Main Street Bishopthorpe York YO23 2RB	01/06/23	Appeal Dismissed
Clifton	22/00631/FUL	APP/C2741/W/22/3312383	Conversion of garage to dwelling including extensions and raising of ridge height, 2no. dormers, installation of 4no. rooflights and 2 no. ground floor window openings.	6 Clifton York YO30 6AE	24/05/23	Appeal Dismissed
Dringhouses And Woodthorpe	22/01302/FUL	APP/C2741/W/22/3312254	Single storey rear extension, hip to gable roof extension with 3no. roof lights to front and dormer to rear	13 Middlethorpe Grove York YO24 1JW	26/04/23	Appeal Allowed
Fulford And Heslington	22/00471/FUL	APP/C2741/W/22/3309624	Erection of 1no. dwelling following demolition of outbuilding to rear (resubmission)	34 Main Street Fulford York YO10 4PX	19/06/23	Appeal Dismissed
Guildhall	22/01789/FUL	APP/C2741/W/22/3313026	Installation of new wall mounted floodlights at a lower level to front elevation after removal of high-level wall mounted floodlights and associated works to electrical cabling.	Royal Oak Inn 18 Goodramgate York YO1 7LG	19/06/23	Appeal Allowed
	22/01790/LBC	APP/C2741/Y/22/3313030	External alterations to include new wall mounted floodlights at a lower level to front elevation after removal of high-level wall mounted floodlights and associated works to electrical cabling.	Royal Oak Inn 18 Goodramgate York YO1 7LG	19/06/23	Appeal Allowed
	23/02135/FUL	APP/C2741/W/23/3314409	Sub-division to create 2no. dwellings; removal of 1no. rear extension; dormers, rooflights and juliet balconies to rear; external wall insulation with render to rear; replacement and reconfiguration of windows and doors (resubmission)	9 Earlsborough Terrace York YO30 7BQ	27/06/23	Appeal Dismissed

Ward	Case number	Appeal number	Proposal	Address	Date decided	Decision
Haxby And Wigginton	22/00939/FUL	APP/C2741/W/22/3311678	Use of land for a self-storage use with the siting of containers in connection with this use (retrospective)	Site Lying To The North Of Clifton Gate Business Park Wigginton Road Wigginton York	22/06/23	Appeal Dismissed
	21/01769/FUL	APP/C2741/W/22/3313450	Variation of condition 4 of permitted application 19/00110/FUL for use of annexe as holiday accommodation	10 Usher LaneHaxbyYorkYO32 3JZ	29/06/23	Appeal Dismissed
	21/01159/FUL	APP/C2741/W/22/3303588	Outline planning permission for the construction of an equestrian workers dwelling following demolition of existing stable and full planning permission for side extension to existing stable block	Welton Stables Plainville LaneWiggintonYorkYO32 2RG	20/06/23	Appeal Dismissed
Osballdwick And Derwent	21/00304/FUL	APP/C2741/W/22/3305435	Erection of 8no. dwellings with associated parking and landscaping following demolition of buildings	The Magnet 57 Osballdwick Lane York YO10 3AY	05/04/23	Appeal Allowed
	21/00339/FUL	APP/C2741/D/22/3310551	Raising of roof with hip to gable roof extensions to sides, front and rear; single storey front and rear extensions, 3no. rooflights to front and 2no. rooflights to rear	Laurentide Common LaneDunningtonYorkYO19 5LS	08/06/23	Appeal Dismissed
	22/001373/FUL	APP/C2741/D/23/3316858	Single storey side extension and loft conversion with dormers to front and rear	14 Heather BankOsballdwickYorkYO10 3QH	08/06/23	Appeal Dismissed
Rawcliffe And Clifton Without	21/01628/FUL	APP/C2741/D/22/3293412	Two storey extension to side and rear with canopy porch to front (revised scheme, resubmission)	9 Holyrood DriveYorkYO30 5WB	18/04/23	Appeal Allowed
	21/02480/FUL	APP/C2741/D/22/3308603	Excavation and repurposing of existing basement to create habitable area	25 Shipton RoadCliftonYorkYO30 5RE	19/06/23	Appeal Dismissed
Rural West York	22/01149/LBC	APP/C2741/Y/22/3311295	Install through floor lift	St Peters Farmhouse Main Street Knapton York YO26 6QG	12/06/23	Appeal Allowed
Strensall	20/00526/FUL	APP/C2741/W/22/3308426	Change of use from public house to cafe with drive-thru coffee shop and first floor offices (Use Classes A3/B1) and change of use of detached garage to retail (A1)	Four Alls Inn Malton Road Stockton On The Forest York YO32 9TW	16/05/23	Appeal Allowed
	22/00775/FUL	APP/C2741/W/22/3312899	Erection of single storey summer house/office to rear of garden and erection of storage shed to front garden (part retrospective)	37 York RoadStrensallYorkYO32 5UB	28/04/23	Appeal Allowed

Appeals summaries between 01/04/23 and 30/06/23

Case number	Appeal by	Description	Address	Outcome
22/00005/REF	Mr Keith Booth	Two storey extension to side and rear with canopy porch to front (revised scheme, resubmission)	9 Holyrood Drive York YO30 5WB	Appeal Allowed

Notes

These works to a two storey semi-detached dwelling on a street corner were refused on the grounds of harm to the streetscene, with the relationship between the proposed extension and the house, as well as its proximity and prominence in relation to the highway, identified as reasons for refusal. The scheme was a revised submission, an update on a more visually overbearing proposal which was refused 27.10.2020 (refusal upheld at appeal 23.04.2021). The Inspector found that the revised proposal had an appropriate degree of subservience, and would not be of an unacceptable or uncharacteristic width/massing. Despite the corner plot position and the proximity of the structure to the road, the Inspector did not consider that the proposal would be overly dominant or unduly affect the spacing of the street. They noted the particular guidance in the SPD around the relationship of side extensions to side boundaries and adjacent streets, however they did not consider that the particular relationship of the appeal site and proposal to surroundings properties, building lines, road or verge would be atypical for the area, or that it would be overbearing in relation to the footway. The appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
22/00055/REF	Mr Alan Lumb	Install through floor lift	St Peters Farmhouse Main Street Knapton York YO26 6QG	Appeal Allowed

Notes

Works to install a through floor lift between the ground floor lounge and first floor bedroom of a grade II listed building. St. Peter's Farmhouse dates from the eighteenth century. The building was substantially refurbished following a period of dereliction in the 1970's. The Inspector considered the special interest of the listed building to be primarily associated with its vernacular

architecture, former agricultural connections, historic plan form and surviving internal features. The works to install the lift would require cutting and re-purposing part of two joists in the lounge and removing approx. one square metre of lath and plaster ceiling. The joists have bead-moulding which indicates they are historic and were intended to remain visible, but were later covered in lath and plaster. The joists would be re-used as part of the trimming to secure the lift void. Although the works would lead to a loss of historic fabric, the Inspector considered this does not automatically mean there would be resulting harm. The amount of fabric to be removed would be relatively small in the context of the listed building as a whole. The lift would be visible within the lounge and bedroom but it would be relatively compact and would not be readily apparent from outside the property. The Inspector concluded that the proposed works would preserve the special architectural or historic interest of the listed building and would not have a harmful impact on its setting.

Case number	Appeal by	Description	Address	Outcome
23/00001/REF	Joanna And Brendan Keely	Rear dormer type extension within existing valley roof	Cherry Garth 50 Main StreetBishopthorpeYorkYO23 2RB	Appeal Dismissed

Notes

The planning appeal related to the refusal of application 22/01078/FUL for a rear dormer type extension within existing valley roof. The host property is located in the Bishopthorpe Conservation Area. The application was refused on the grounds the proposal would harm the conservation area and the property itself. The Inspector dismissed the appeal agreeing with the reasons for refusal.

Case number	Appeal by	Description	Address	Outcome
22/00054/REF	John Gilham	Raising of roof with hip to gable roof extensions to sides, front and rear; single storey front and rear extensions, 3no. rooflights to front and 2no. rooflights to rear	Laurentide Common LaneDunningtonYorkYO19 5LS	Appeal Dismissed

Notes

The proposal was refused on the grounds of cumulative amount of development which had previously taken place when added to the proposed development would represent a disproportionate addition to the size of the original dwelling, which would constitute inappropriate development in the Green Belt. Also, it was concluded the increase in height to the original bungalow along with a

further two storey development would compound the existing visual appearance of the dwelling, creating a much more visually assertive addition to the property which would be clearly visible across the largely undeveloped and open countryside. The Inspector agreed with the Authority in terms of being disproportionate development. He also, stated that the increase to the volume, height and massing creates a spatial change in respect of openness and had a negative impact on Green Belt purposes. This Inspector makes the judgement that the impact would be moderate, but permanent, and this harmful loss of openness, particularly by virtue of the first-floor extensions weighs against the proposal. The Applicant advanced circumstances that the development would be similar to the neighbouring property known as Fernholme which has planning permission for a replacement dwelling. The Inspector did not consider this to be relevant in the determination of this application. This was because there were significant differences which were not comparable to this application. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
23/00005/REF	Mr Kevin Cox	Sub-division to create 2no. dwellings; removal of 1no. rear extension; dormers, rooflights and juliet balconies to rear; external wall insulation with render to rear; replacement and reconfiguration of windows and doors (resubmission)	9 Earlsborough Terrace York YO30 7BQ	Appeal Dismissed

Notes

Works to rear elevation including white render throughout, dark grey framed window frames and mansard type roof extension with dormers. The appeal was dismissed. The issue was whether the scheme was of good design and acceptable in the conservation area. The building sat within a 19th c terrace identified as being of merit in the conservation area appraisal. The combination of full rendering of the rear elevation and insertion of grey framed windows be overly contemporary, jarring with the rest of the terrace (of brick and pale window frames). The mansard roof and dormers were also found to be out of keeping, providing a bulky and top heavy appearance - which the householder SPD advises against. In respect of the rendering, which was suggested to be on energy efficiency grounds the inspector advised that a more energy efficient building would have some public benefit but there is limited evidence to the degree that the works would contribute to energy efficiency or to the protection of the front elevation over the longer term (which it was not proposed to render).

Case number	Appeal by	Description	Address	Outcome
23/00002/COND	Mr Steve Bowser	Erection of single storey summer house/office to rear of garden and erection of storage shed to front garden (part retrospective)	37 York Road Strensall York YO32 5UB	Appeal Allowed

Notes

The appeal was regarding a storage shed in the front garden of a dwelling in Strensall and a condition requiring it to be painted or stained in a colour to be approved by the LPA. The shed had already been installed. Although the appeal was allowed the inspector agreed that the shed, due to its prominence in the streetscene, needed to be coloured so it appeared darker and better blended in with the brickwork of the house. As the timeframe for compliance with the condition imposed by the council had lapsed, the inspector imposed a condition to the same effect allowing the appellant a further 3 months to undertake the work. If this element of the condition were not complied with, then the condition required removal of the structure.

Case number	Appeal by	Description	Address	Outcome
22/00058/REF	Mr Hollinrake	Conversion of garage to dwelling including extensions and raising of ridge height, 2no. dormers, installation of 4no. rooflights and 2 no. ground floor window openings.	6 Clifton York YO30 6AE	Appeal Dismissed

Notes

Conversion of garage to dwelling including extensions, raising of ridge height and two dormers. The appeal site straddles the boundary of Clifton Conservation Area and forms the rear part of a long garden in an established residential area. The historic development of Clifton, associated with late Georgian town houses and Regency villas fronting Clifton, resulted in the creation of long plots which are a characteristic feature that contributes to the significance of the conservation area and its setting. The Inspector considered that the proposed alterations and extensions to the existing garage would significantly increase its height, mass and footprint and would result in a four bedroom dwelling with very little garden space which would occupy a relatively small proportion of the rear garden of 6 Clifton. The proposal would introduce a form of backland residential development that would differ markedly in character from the general form of housing found in the vicinity. The building would be out of scale in its context, being substantially bigger and more dominant than the nearby domestic outbuildings with which it would be visually associated. The proposal would not make a positive contribution to local character and distinctiveness and would cause a significant and harmful permanent change in the character and appearance of the conservation area and its setting. With regard to the setting of the grade II listed buildings at 4, 6 and 8 Clifton, the proposed development would significantly alter the way in which the historic

linear plot layouts are appreciated, with the introduction of a disproportionately large dwelling in a small plot that would be harmfully at variance with its context. Although the proposal would contribute to the supply of housing, this contribution would be small, and the public benefit would not outweigh the harm that would arise to the significance of the designated heritage assets.

Case number	Appeal by	Description	Address	Outcome
22/00060/REF	Punch Pubs	Installation of new wall mounted floodlights at a lower level to front elevation after removal of high-level wall mounted floodlights and associated works to electrical cabling.	Royal Oak Inn18 GoodramgateYorkYO1 7LG	Appeal Allowed

Notes

The appeal related to the refusal of permission / listed building consent for the replacement of existing high level wall mounted floodlights with new wall mounted floodlights to be positioned level with the lower sill of the first floor windows rather than at eaves level as existing. Permission was refused for the reason that the proposed floodlights and associated cabling would constitute visual clutter and appear unduly prominent on the white rendered façade, thereby detracting from the historic and architectural significance of the listed building, and harm to the fabric of the building through the creation of new fixing holes and internal cable runs. The Inspector allowed the appeal considering that the proposed light fittings would be smaller than the existing lighting units and a greater length of cabling would be removed and for this reason, would not add clutter. The Inspector considered that the light fittings would be sited sensitively on the front elevation and would not be overly prominent in views from the street or wider Conservation Area and considered the works to create fixing holes and internal cable runs would be minor and would not harm the significance of the building. The Inspector concluded that on balance, the proposal would preserve the special historic interest of the Grade II listed building and the character of the Conservation Area.

Case number	Appeal by	Description	Address	Outcome
22/00049/REF	Mr Alexander Marr	Excavation and repurposing of existing basement to create habitable area	25 Shipton Road Clifton York YO30 5RE	Appeal Dismissed

Notes

The planning appeal related to the refusal of application 21/02480/FUL for the excavation and repurposing of existing basement to create habitable area. The proposal relates to a listed building which is also located in the Clifton Conservation Area. The application was refused on the grounds that the proposed scheme would represent a radical enlargement and remodelling of the basement which in turn would harm the listed building. The Inspector dismissed the appeal agreeing the development would have an adverse impact on the special interest of the listed building and the features that contribute to its significance

Case number	Appeal by	Description	Address	Outcome
22/00061/REFLBC	Punch Pubs	External alterations to include new wall mounted floodlights at a lower level to front elevation after removal of high-level wall mounted floodlights and associated works to electrical cabling.	Royal Oak Inn 18 Goodramgate York YO1 7LG	Appeal Allowed

Notes

The appeal related to the refusal of permission / listed building consent for the replacement of existing high level wall mounted floodlights with new wall mounted floodlights to be positioned level with the lower sill of the first floor windows rather than at eaves level as existing. Permission was refused for the reason that the proposed floodlights and associated cabling would constitute visual clutter and appear unduly prominent on the white rendered façade, thereby detracting from the historic and architectural significance of the listed building, and harm to the fabric of the building through the creation of new fixing holes and internal cable runs. The Inspector allowed the appeal considering that the proposed light fittings would be smaller than the existing lighting units and a greater length of cabling would be removed and for this reason, would not add clutter. The Inspector considered that the light fittings would be sited sensitively on the front elevation and would not be overly prominent in views from the street or wider Conservation Area and considered the works to create fixing holes and internal cable runs would be minor and would not harm the significance of the building. The Inspector concluded that on balance, the proposal would preserve the special historic interest of the Grade II listed building and the character of the Conservation Area.

Case number	Appeal by	Description	Address	Outcome
22/00056/CON	Mr Knighting	Single storey rear extension, hip to gable roof extension with 3no. roof lights to front and dormer to rear	13 Middlethorpe Grove York YO24 1JW	Appeal Allowed

Notes

The planning appeal related to a condition imposed on approved application 22/01302/FUL for a single storey rear extension, hip to gable roof extension with 3no. roof lights to front and dormer to rear with regards to the submission of samples. The condition in dispute was No.3 (materials) The Inspector states condition 2 already ensures that the development is to be carried out in accordance with the approved plans. As such a separate condition requiring that the external materials are constructed in accordance with the details specified in the approved plans is not necessary as it repeats this requirement. With regards to the request for samples, he makes reference to the report which states the use of contrasting materials is acceptable due to, amongst other things, the variety of materials on view in the immediate area and goes on to say that because of the limited scale and restricted public views of the single storey rear extension, and the fact that the colour of the proposed brickwork has been accepted he saw no reason why the submission of materials for this element of the scheme is reasonable or necessary. The Inspector did however agree that samples of the proposed slate to be used on the rear dormer should still be submitted to ensure that the artificial slate is not an unacceptable and contrasting colour to the dwellings roof tiles and this now forms part of the substituted condition.

Case number	Appeal by	Description	Address	Outcome
22/00057/REF	Mr Nick Hare	Erection of 1no. dwelling following demolition of outbuilding to rear (resubmission)	34 Main Street Fulford York YO10 4PX	Appeal Dismissed

Notes

The appeal related to the refusal of permission to erect a small, detached bungalow in the rear garden of 34 Main Street, Fulford. The host property is located in Fulford Village Conservation Area. The rear garden of the property is a largely undeveloped burgage plot. Permission was refused because of the harm to the living conditions of the host property, harm to the setting of adjacent listed buildings, and harm to the character and appearance of the Conservation Area because of the negative impact on the burgage plot and the adjacent public footpath. The Inspector dismissed the appeal agreeing that the proposal because of its scale and separate occupation would detract from the largely undeveloped and singular character of the burgage plot. They also considered it would detract from the setting of nearby listed buildings. Because of its proximity to the rear openings of the host

dwelling and loss of most of its garden it was considered it would detract from the homes living conditions. The moderate benefits from providing a small dwelling in an accessible location were not considered to outweigh the harm that would be caused.

Case number	Appeal by	Description	Address	Outcome
23/00008/REF	Ms Natalie Lewis	Single storey side extension and loft conversion with dormers to front and rear	14 Heather Bank Osbalwick York YO10 3QH	Appeal Dismissed

Notes

Dormer extensions to front and rear of bungalow with hipped roof extended to a gable roof. The scheme was refused as harmful to the streetscene; no others in the street. The appeal was dismissed due to the combination of the dormer and roof extension, which harmed the original roofscape and form of the building. The inspector gave weight to the householder SPD and its advice on dormer extensions.

Case number	Appeal by	Description	Address	Outcome
22/00059/REF	Mr J Hansbro	Variation of condition 4 of permitted application 19/00110/FUL for use of annexe as holiday accommodation	10 Usher Lane Haxby York YO32 3JZ	Appeal Dismissed

Notes

The application sought planning permission for non-compliance with a condition which required that a self-contained annex would only be occupied by direct relatives or non-paying guests of the occupants of 10 Usher Lane and should not be used as a separate residential unit including letting as holiday accommodation. The reason given for the condition was that the site cannot accommodate a separate unit of residential accommodation without detrimental impact on the amenities of adjacent residents through additional activity and car parking requirements and the character and amenity of the area through the creation of a separate curtilage. The Inspector said that the modification would bring activity associated with holidays and that people using the annex for holiday purposes would have a higher propensity to socialise in external areas for extended periods resulting in noise and disturbance over and above that ordinarily experienced in the rear gardens of neighbouring dwellings particularly in summer months when neighbouring residents would expect to be able to relax in their gardens or would be more likely to have windows open. Furthermore comings and goings would likely result in some noise from vehicle engines from vehicle doors being closed and

from people passing through the gap between No 10 and No 12 leading to the annex. He also considered that it would not be practicable or enforceable to impose conditions as suggested by the appellant requiring the occupiers of No 10 to be present at all times the annex would be in use or to impose a condition creating a curfew limiting the times of either the comings and goings to and from the annex or the use of the associated external areas for socialising. The latter of those conditions is also likely to be unreasonable in respect of the expectations associated with the use of holiday accommodation by paying visitors. Limiting the number of days the use could operate would not remove the likelihood of noise and disturb

Case number	Appeal by	Description	Address	Outcome
23/00004/REF	Mrs C Batty	Outline planning permission for the construction of an equestrian workers dwelling following demolition of existing stable and full planning permission for side extension to existing stable block	Welton Stables Plainville Lane Wigginton York YO32 2RG	Appeal Dismissed

Notes

The application site is located at Welton Stables on Plainville Lane in Wigginton. The appeal related to the refusal of outline permission to erect an equestrian workers dwelling following the demolition of an existing stable block. The application also sought full planning permission for a side extension to an existing stable block. The site lies within the Green Belt. Permission was refused on a number of grounds including inappropriate development in the Green Belt, failure to demonstrate an essential need for the provision of a permanent dwelling and concerns regarding the unsustainable location (including waste management, access and transport). A hearing was conducted on the 3rd May 2023. The Inspector agreed that the proposal would be inappropriate development in the Green Belt and would harm Green Belt openness. The Inspector was not persuaded that there is an essential need for a permanent dwelling on the site and found harm arising from the unsuitable location of the proposal relative to services and facilities. Consequently, the Inspector found that there are not very special circumstances necessary to justify inappropriate development in the Green Belt and the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
22/00053/REF	Mrs Lorna Marchi	Use of land for a self-storage use with the siting of containers in connection with this use (retrospective)	Site Lying To The North Of Clifton Gate Business Park Wigginton Road Wigginton York	Appeal Dismissed

Notes

The development relates to the retention of 38 storage containers with an associated admin kiosk used by a removals and self storage business. The proposal was a re-submission of an earlier scheme which had been refused planning permission on Green Belt, form and character, highway and drainage grounds. The site stretches north into open countryside on an existing area of hard standing parallel to Wigginton Road beyond the Cliftongate development. The development is inappropriate in the Green Belt as well as being harmful in terms of form and character with a poor relationship to surrounding open countryside. Visibility into the site is tight at the access point on to Wigginton Road. In view of the wide ranging harm and the lack of a case for "very special circumstances" to outweigh the harm planning permission was again refused and an appeal was lodged. The appeal inspector agreed that the development was inappropriate in the Green Belt and giving rise to significant harm to openness. Over and above that it was concluded that there was significant harm to the form and character of the wider street scene and was contrary to paragraph 130 of the NPPF. In terms of the access it was concluded that the harm did not meet the relevant test in the NPPF but in view of the other clearly defined harms the appeal was dismissed.

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Case number	Appeal by	Description	Address	Outcome
22/00050/REF	Moorside Development Ltd	Erection of 8no. dwellings with associated parking and landscaping following demolition of buildings	The Magnet 57 Osbaldwick Lane York YO10 3AY	Appeal Allowed

Notes

The Appeal related to the refusal of planning permission by Planning Committee B (contrary to officer recommendation) on the grounds of the loss of a non-designated heritage asset of local significance as the best surviving example of a purpose built suburban improved pub from the 1930s in York. The proposal was to demolish The Magnet Public House and to erect 8no. dwellings with parking and landscaping. It was the third application for essentially the same scheme and this application had extended marketing amounting to 26 months. Development management officers commissioned an independent review of the marketing by Stapleton Waterhouse prior to determination who advised it was adequate (in relation to draft policy HW1 in the 2018 Publication Draft Local Plan). Committee accepted this. The Inspector considered whether there was harm resulting from the demolition of the non-designated heritage asset and whether it was outweighed by public benefits. He considered that the claim of

it being the best improved pub was not sufficiently evidenced whereas the applicant had robustly disputed this claim by a review of other comparable improved pubs in York. He agreed with the appellant it was not the best surviving improved pub in York. It was agreed by all parties that the interior was of more significance than the exterior but as it was not listed, these features could be removed without permission. It had modest local heritage value, it was not rare in York nor nationally. There has been no interest in it being retained and sustained as a community pub. Marketing was adequate. There are alternative pubs nearby. The benefits of eight new dwellings on a brownfield site, economic benefits during the construction period and the sustainable location outweighed the harm to the demolition of the non-designated heritage asset having regard to the scale of harm and significance of the heritage asset. The Appeal was allowed but award of costs refused.

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Planning Appeals Outstanding on 28 December 2023

Ward	PINs Appeal number	Proposal	Address	Date appeal lodged
Clifton	APP/C2741/X/23/3326860	Proposed development of 1 metre high inward opening gates on the highway to the front of 4 Government House Road	The Sleeping Bear 4 Government House Road York YO30 6LU	28/07/23
Copmanthorpe	APP/C2741/D/23/3331422	Single storey side and rear extension	9 Farmers Way Copmanthorpe York YO23 3XU	16/10/23
Dringhouses And Woodthorpe				
	APP/C2741/W/23/3324886	Enclosed outdoor drinking area to side of building with festoon lighting and 1no. 6m x 4m jumbrella (retrospective)	The Dick Turpin 49 Moorcroft Road York YO24 2RQ	27/06/23
Guildhall	APP/C2741/W/23/3324215	Change of use of footway to form seating areas to front and side, installation of awning to front and 2no. additional awnings to side and installation of folding glass doors to front (retrospective)	Il Paradiso Del Cibo 40 Walmgate York YO1 9TJ	15/06/23
	APP/C2741/Y/23/3325706	External alterations to include display of 2no. sets of halo-illuminated individual letters to existing front fascia signs, 2no. externally illuminated projecting signs, menu display case, and 2no. coach lanterns to alleyway entrance (retrospective).	Social 8 13 High Ousegate York YO1 8RZ	11/07/23
	APP/C2741/H/23/3325709	Display of 2no. sets of halo-illuminated individual letters to existing front fascia signs, and 2no. projecting signs (retrospective).	Social 8 13 High Ousegate York YO1 8RZ	11/07/23
	APP/C2741/D/23/3330787	Single storey extension (resubmission)	11 Claremont Terrace York YO31 7EJ	05/10/23
Heworth	APP/C2741/X/22/3303954	Certificate of lawfulness for use of building as a dwelling within Use Class C3	20B Asquith Avenue York YO31 0PZ	26/07/22
	APP/C2741/W/23/3322462	Change of use from dwelling (class C3) to House in Multiple Occupation (class C4) to house a maximum of 4 people - retrospective	15 Main Avenue York YO31 0RT	19/05/23

Ward	PINs Appeal number	Proposal	Address	Date appeal lodged
Hull Road	APP/C2741/W/23/3326387	Change of use from small house in multiple occupation (HMO) (use class C4) to a large 7no. bedroom HMO, with two storey side extension, 1no. new dormer to front, and single storey rear extension (resubmission)	178A Hull Road York YO10 3LF	21/07/23
Huntington/New Earswick	APP/C2741/W/23/3322492	Erection of 2no. blocks comprising 10no. apartments, associated parking and ancillary buildings for refuse and cycle storage after demolition of buildings (amended plans received).	The Wilberforce Trust Wilberforce House 49 North Moor Road Huntington York YO32 9QN	19/05/23
Micklethorpe				
	APP/C2741/W/23/3330666	Erection of extra care accommodation including no.72 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations	Chocolate Works Residents Parking Bishopthorpe Road York	03/10/23
Rawcliffe And Clifton Without	APP/C2741/W/23/3325450	Change of use of existing garage to hair salon with associated external alterations.	50 Green Lane Clifton York YO30 5QX	06/07/23