



Notice of a public meeting of

Planning Committee

To: Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters

Date: Thursday, 17 November 2016

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor
West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am** on **Tuesday 15 November 2016**

1. **Declarations of Interest**

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

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

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

2. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm** on **16 November 2016**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

Filming or Recording Meetings

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

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

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

3. Plans List

This item invites Members to determine the following planning applications:

a) Land At Grid Reference 458205 449925, West Of Bradley Lane, Rufforth, York (16/01813/FULM) (Pages 3 - 22)

Erection of poultry farm comprising 6 no poultry sheds with ancillary buildings, access road and landscaped embankments (resubmission). [Rural West York Ward] [Site Visit]

b) Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York (16/00534/FULM) (Pages 23 - 40)

Variation of condition 4 of permitted application 00/02689/FUL (extension of Harewood Whin Waste Disposal Site) to extend time period for tipping operations for a further 15 years. [Rural West York Ward]

c) Coal Yard, 11 Mansfield Street, York, YO31 7US (15/01571/FULM) (Pages 41 - 68)

Erection of four storey block for student accommodation (84 units) following demolition of existing building. [Guildhall Ward]

4. Appeals Performance and Decision Summaries (Pages 69 - 86)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

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

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

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(When emailing please send to both email addresses)

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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PLANNING COMMITTEE**SITE VISITS****TUESDAY 15 NOVEMBER 2016**

Time	Site	Item
10.00	Minibus leaves Memorial Gardens	
10:15	Land West of Bradley Lane, Rufforth	3a

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COMMITTEE REPORT

Date: 17 November 2016 **Ward:** Rural West York
Team: Major and **Parish:** Parish Of Rufforth With
Commercial Team Knapton

Reference: 16/01813/FULM

Application at: Land At Grid Reference 458205 449925 West Of Bradley Lane
Rufforth York

For: Erection of poultry farm comprising 6 no poultry sheds with
ancillary buildings, access road and landscaped embankments
(resubmission)

By: H Barker And Son Ltd

Application Type: Major Full Application (13 weeks)

Target Date: 22 November 2016

Recommendation: Refuse

1.0 PROPOSAL

1.1 Land at OS grid reference 458205 449925 comprises a substantial area of presently arable land with woodland to the south west lying within the Green Belt to the south of Rufforth village. Planning permission is sought for the development of a 15,800 sq metre (approx) intensive poultry farm on the site to handle an operational stocking capacity of 288,000 chickens employing 2.5 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. Rufforth Airfield lies directly to the east of the application site and a candidate SINC or Site of Interest for Nature Conservation lies to the south west. The proposal represents a revised re-submission of an earlier proposal that was previously withdrawn. The landscape approach has been amended since the earlier submission.

(It should also be noted that since the previous report was published, a Court of Appeal case¹ has clarified that where a proposal is appropriate development in the Green Belt by virtue of the agricultural building exemption in paragraph 89 to the NPPF, no assessment of the impact of the building on openness of the Green Belt is needed).

2.0 POLICY CONTEXT

2.1 2005 Draft Development Plan Allocation:
Air safeguarding Air Field safeguarding 0175

¹ R. (on the application of Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404 22nd April 2016.

2.2 Policies:

City of York Draft Local Plan adopted for Development Control Purposes (2005) (CYLP):

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYNE5A - Local Nature Conservation Sites

City of York Council Emerging Local Plan Publication Draft (2014):-

EC6 - Rural Economy

D1 - Landscape and Setting

GB1 - Development in Green Belt

G12 - Biodiversity and Access to Nature

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection draws attention to the site being subject to the Environment Agency permitting regulations and raises no objection to the proposal subject to any permission being conditioned to require the submission and approval of a Construction Environmental Management Plan.

3.2 Strategic Flood Risk Management raises no objection to the proposal.

3.3 Highway Network Management raises no objection to the proposal.

3.4 Planning and Environmental Management (Archaeology) raise no objection to the proposal subject to the undertaking of a full archaeological evaluation prior to the commencement of the development.

3.5 Planning and Environmental Management (Landscape) raises no objection in principle to the proposal but express concern in relation to the impact of the proposal upon the open character of the surrounding landscape particularly during the months of the year when surrounding trees and other vegetation are not in full leaf.

3.6 Planning and Environmental Management (Ecology) raises no objection to the proposal subject to any permission being conditioned to secure appropriate species mitigation.

EXTERNAL:-

3.7 Askham Richard Parish Council objects to the proposal on the grounds of impact from HGVs travelling from the site on the amenity of local residents. If the scheme is approved they seek that a lorry routing agreement be established by Section 106 Agreement attached to any permission.

3.8 Rufforth with Knapton Parish Council objects to the proposal on the grounds of impact of heavy traffic on unsuitable rural roads, impact upon the local surface water drainage network and associated flood risk, potential nitrate pollution to surrounding farm land, impact upon the safe and effective operation of the Civil Aviation activity at Rufforth Airfield , impact upon the residential amenity of neighbouring properties by virtue of noise and odour release and impact upon the deliverability of the Rufforth Neighbourhood Plan.

3.9 The Campaign to Protect Rural England objects to the proposal on the grounds that together with its associated landscaped bund it would adversely impact upon the openness of the Green Belt, and by virtue of its scale, layout and relatively remote location it would not amount to sustainable development.

3.10 Natural England raises no objection to the proposal.

3.11 The Environment Agency raises no objection to the proposal which is subject to the Environmental Permitting Regime.

3.12 Yorkshire Water Services raises no objection to the proposal.

3.13 The Ainsty (2008) IDB raises no objection to the proposal.

3.14 The Hutton Wandlesey Estate supports the proposal on the grounds that it would reduce surface water run-off into the nearby river catchment.

3.15 York Gliding Club objects to the proposal on the grounds of conflict with paragraph 33 of the NPPF, safety impact upon aircraft taking off and landing from the nearby airfield runway arising from the location of the proposed building complex and its associated landscaped bund and an increased risk of bird strike arising from the nature and location of the associated landscape planting.

3.16 The Yorkshire Wildlife Trust was consulted with regard to the proposal on 11th August 2016. Any comments received will be reported orally at the meeting.

3.17. The National Planning Casework Unit was consulted with regard to the proposal on 11th August 2016. Any comments received will be reported orally at the meeting.

3.18 Harrogate Borough Council was consulted with regard to the proposal on 11th August 2016. Any comments received will be reported orally at the meeting.

3.19 The York Astronomical Society raises no objection to the proposal subject the lighting of the application site being strictly regulated by condition.

3.20 Chesterfield Poultry supports the proposal on the grounds that it would create a secure supply of locally produced chicken to their manufacturing plant.

3.21 The NFU supports the proposal on the grounds that it would help secure the viability of the farming industry in Yorkshire and would help to secure a source of low priced chicken meat for the wider market.

3.22 Julian Sturdy MP writing on behalf of constituents raises concerns in respect of the proposal in relation to the impact of heavy traffic from the site upon neighbouring unsuitable rural roads, impact upon the safe operation of Rufforth Airfield, impact of odours from the site upon the residential amenity of neighbouring properties and impact upon the open character and purposes of designation of the York Green Belt.

3.23 Animal Aid object to the proposal on the grounds of impact upon the local surface water drainage system, possible nitrate pollution arising from the waste from the proposed farm, the impact of additional traffic upon unsuitable rural roads, serious concerns in respect of the standards of animal welfare at the proposed farm, concern in respect of standards at the destination processing plant and concern in respect of the impact of the meat from the farm on human health. Further concerns have also been expressed in relation to the robustness of the animal health inspection regime for the farm.

3.24 A 6,764 signature e-petition has been submitted on behalf of PETA (People for the Ethical Treatment of Animals) objecting to the proposal on the grounds of:-

- Impact upon the openness of the York Green Belt;
- Impact from pollution on the local environment;
- Impact upon the local surface water drainage system and consequent increase in flood risk;
- Impact upon the residential amenity of neighbouring properties;
- Impact of heavy traffic upon unsuitable rural roads;
- Impact of the proposed intensive husbandry methods upon the health and welfare of the farm animals.

3.25 At the time of publication of this report, 7,732 letters of objection have been received in respect of the proposal and two letters of support. The following is a summary of the letters of support:-

- Support for the assistance the development of the site would give to local construction businesses.
- Support for the lack of harm afforded the residential amenity of neighbouring properties from the applicant's existing farming operations.

3.26 The following is a summary of the letters of objection:-

- Serious concern in respect of animal welfare practises at the applicant's other farming operations;
- Concern in respect of the impact of pollution from the proposed farm on human health;
- Concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of smell, noise and light pollution;
- Concern at the impact of the proposal upon the local surface water drainage network;
- Concern at the impact of additional traffic movements on unsuitable local roads;
- Concern at the lack of positive benefits to the local economy arising from the proposal;
- Concern at the impact of the proposal upon the open character and purposes of designation of the York Green Belt;
- Concern at the impact upon private water supplies in the surrounding area;
- Concern at the lack of adequate consideration of alternative sites;
- Concern at the impact of the proposal upon the safety of aircraft taking off and landing at Rufforth Airfield;
- Concern at the impact upon the habitat and biodiversity provided by the adjacent candidate SINC

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 key considerations include:-

- Appropriateness of the agricultural building in the Green Belt
- Impact of the proposed landscaping bund on openness and purposes of the Green Belt
- The impact of the proposal upon landscape character and visual amenity
- Consideration of Alternative Locations;
- Issues of Odour, Noise and Light Pollution;
- Impact upon the Adjacent Candidate SINC;
- Impact upon Local Aviation Activities;
- Impact upon the Operation of the York Observatory;
- Impact of Additional Traffic upon the Local Highway Network;
- Animal Welfare Issues;
- Impact upon the Local Pattern of Surface Water Drainage.

PLANNING POLICY

Development Plan

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

Local Plan

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

Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded very little weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal. Although the agricultural building itself is appropriate development in the Green Belt in accordance with paragraph 89 of the NPPF, (and on its own would engage paragraph 14), because the proposal now includes engineering operations required to provide the landscaped bund, the more restrictive policy in paragraph 90 to the NPPF applies thus dis-engaging the presumption in favour of sustainable development when considering the proposal as a whole.

4.7 GREEN BELT:- As noted above saved Policies YH9C and Y1C of the Yorkshire and Humber Side Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves five key purposes:

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

4.8 New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. Agricultural buildings fall within an excepted category at paragraph 89 to the NPPF and are deemed not to impact on openness. However the landscaping bund constitutes an engineering operation, and whilst paragraph 90 of the NPPF states that such development is not inappropriate, this is only where the development preserves openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Its impact on openness and green belt purposes therefore falls to be assessed.

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

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

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

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

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

APPROPRIATENESS OF THE AGRICULTURAL BUILDING WITHIN THE GENERAL EXTENT OF YORK GREEN BELT:-

4.14 The proposal is for the erection of an intensive poultry farming unit within six sheds covering 15,800 sq metres with ancillary facilities to handle 288,000 chickens when operating at full capacity. The application site lies within the general extent of the York Green Belt and is presently undeveloped comprising an arable field. Paragraph 89 of the National Planning Policy Framework indicates that all new built development within the Green Belt is automatically inappropriate and therefore harmful to its character unless it comes within one of a number of categories specifically identified as being not inappropriate. These include buildings to be constructed for the purposes of agriculture and forestry. As the proposal falls within the agricultural exemption in paragraph 89 it is appropriate in the Green Belt and therefore the impact of the building on openness of the Green Belt is not at issue in relation to the building element of the proposal. The applicant has also produced Counsel's Opinion to support this view.

4.15 Having regard to the recent case law it is agreed that the proposed building is appropriate in terms of its impact upon the openness of the Green Belt by virtue of being appropriate under paragraph 89 of the NPPF and the presumption in favour of sustainable development contained within paragraph 14 would apply to the planning balance exercise if only the building were proposed. However, engineering operations in the form of a landscaping bund are also part of the proposal and therefore as the more restrictive policy tests in paragraph 90 apply to this element of the proposal, paragraph 14 does not apply in this case.

IMPACT OF THE LANDSCAPING BUND UPON THE OPENNESS AND PURPOSES OF THE YORK GREEN BELT:-

4.16 In order to be assimilated into its countryside location a substantial landscaped bund is proposed encircling the site with bunding 3 metres high and planting to grow a further 8 metres when, mature above that. The site as it stands is an open arable field with middle to long distance views of the partially wooded landscape to the south west which contributes significantly to its openness and character. The proposed landscape works amount to an engineering operation in their own right and constitute development requiring planning permission. Engineering operations fall within the scope of paragraph 90 of the NPPF which allows for their not being inappropriate development within the Green Belt providing they do not harm openness or purposes of Green Belt designation. Whilst clearly required to accommodate a building of the proposed size and scale within the surrounding landscape the proposed bunding would fundamentally alter the open nature of the site and its relationship with the surrounding landscape. Whilst endeavours have been made to ensure that the design of the bunding and associated planting would appear as naturalistic as possible it would appear as an alien and incongruous

feature within the surrounding landscape giving rise to significant harm to the openness of the Green Belt. Five purposes of designation of the Green Belt are identified in paragraph 80 of the NPPF. Of particular relevance in the current context is the safeguarding of open countryside from encroachment. The proposal by virtue of its alien, engineered visual presence in an otherwise open characteristically rural agricultural landscape would give the appearance of being an encroachment of urban development contrary to the terms of paragraph 80 of the NPPF.

4.17 As a result, very special circumstances would need to be evidenced that clearly outweigh this harm to the Green Belt for the proposal to meet the national policy tests. Other than to shield the very substantial bulk and scale of the proposed building within a relatively remote section of open countryside no very special circumstances to justify the proposal have been brought forward. The need to try to help blend a large industrial type building which would otherwise be unacceptable on visual impact grounds, into an area of otherwise open countryside must be clearly balanced against the impact the bunding would itself have upon openness. It is the view of officers that the proposed bunding would detrimentally alter the existing character of the site and would as a consequence give rise to a substantial erosion of the openness of the Green Belt in the area contrary to paragraph 79 of the NPPF.

IMPACT OF THE PROPOSAL ON LANDSCAPE CHARACTER AND VISUAL AMENITY

4.18 Whilst it is clearly acknowledged that the proposed building would be appropriate development within the Green Belt as defined in paragraph 89 of the NPPF, it is nevertheless clear that at 15,800 sq metres the proposed building without the landscaped bund would give rise to very substantial harm to the landscape character of the surrounding area. The application site comprises a substantial presently arable field running parallel to Bradley Lane to the south east of Rufforth village. It gently slopes to the south west where there are clear views of several wooded areas in the middle to long distance. The proposed building would comprise a series of six long blocks of low rise industrial sheds set close to the line of Bradley Lane at its southern end. Overall the existing open character of the site would be lost and the views to the south west which add significantly to the character of the area would be lost to the extent that the building would be unacceptable on landscape and visual amenity grounds without the bund.

4.19 The proposed bund would by its configuration and the woodland management regime proposed greatly assist in marrying the proposed building into the surrounding landscape. It would however lead to a complete alteration to its character eroding its openness by adding in a new and alien form of landscape character. Once again whilst not entirely unacceptable on landscape grounds it would give rise to substantial harm to the character of the Green Belt contrary to paragraph 79 of the NPPF.

CONSIDERATION OF ALTERNATIVE LOCATIONS:-

4.20 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects. The applicant's "do nothing" option looks at the need to restructure the poultry sector to maximise job growth and efficiency to meet customer demand without the need for extensive foreign imports. The proposed development would service a re-developed poultry processing plant at Thorne near Doncaster and lead to modest job growth at that location. In terms of job growth at the application site the submitted details are clear that only a modest 2.5 full time equivalent posts would be created. A series of alternative sites both inside and outside of the Green Belt are also considered and discounted in the ES. An otherwise suitable site is considered at Gateforth near Selby but discounted on the grounds of being within 800 metres of an area of ancient woodland which would be vulnerable to ammonia pollution from the site and within 100 metres of an open air recreational use, Selby Golf Club. However, in examining the impact of the current proposal upon the adjacent candidate SINC the submitted application details indicate that the risk of harm to the habitat through ammonia pollution is negligible and at the same time the current proposal is also in close proximity to a predominantly open air recreation use, York Gliding Club. The possibility of expansion of the applicant's existing poultry operations at Riccall and Melbourne outside of the Green Belt and at Bilbrough is also considered but specifically discounted on the grounds of proximity to residential property.

POLLUTION ISSUES:-

4.21 ODOUR: - Intensive poultry units carry a risk of pollution from ammonia which is present within the associated manure and which research from continental Europe has indicated can be harmful to a range of habitats if uncontrolled. The application site lies within 60 metres of a candidate SINC notified as of significance as a grassland habitat and approximately 500 metres from an area of priority woodland identified by Natural England. The application has been accompanied by an ammonia modelling report which has at the same time been the subject of a successful application to the Environment Agency for an Environmental Permit for the proposed operation. The EA has examined potential impacts upon the Askham Bog SSSI to the south east and also Grange Wood an area of registered Ancient Woodland in the immediate vicinity and found the risk of harmful impact to be minimal.

4.22 LIGHT:- The applicant in respect of the application details as initially submitted indicated the usage of wall mounted sodium lights with a relatively high level output at the site. Subsequently and in the light of concerns expressed by neighbouring

residential properties and by the York Astronomical Society the applicant has agreed to the usage of lower intensity LED lights and to have controls placed upon times of operation by condition to any planning permission. The submitted documentation in respect of the revised application is clear that any issue in terms of lighting would be intensively managed and would not give rise to any material harm to the amenity of the surrounding area.

4.23 NOISE:-The mode of operation of the proposal ensures that the poultry would be confined within the building and any noise arising directly from the farm operation would be the subject to the operation of the Environmental Permit from the Environment Agency. Noise may also occur through traffic exiting and leaving the site when new chickens are brought to be fattened and when taken away for processing. However in view of the frequency of such occurrences and their duration it is felt that any material harm would be modest.

IMPACT UPON THE ADJACENT CANDIDATE SINC:-

4.24 Paragraph 118 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity by ensuring that if significant harm arising from a development can not be avoided or at least mitigated against then planning permission should be refused. The current application site is 1.2 kilometres from an area of ancient woodland at Grange Wood to the east of Rufforth Airfield and 2.9 kilometres from Askham Bog a SSSI to the south east. A candidate SINC notified on the basis of being a rare grassland habitat lies directly to the south west. Detailed ammonia modelling of the proposal when fully operational has been undertaken in order to fulfil the relevant requirements of the Environmental Permit required for the development by the EIA. This clearly demonstrates that the development can be undertaken without material harm to the ecological and biodiversity value of the neighbouring habitat.

IMPACT UPON LOCAL AVIATION ACTIVITIES:-

4.25 Paragraph 33 of the National Planning Policy Framework indicates that the safeguarding of the use of airfields for both leisure and business purposes should be afforded significant weight by Local Planning Authorities. A number of appeal decisions have established the need to ensure the safety of small scale civilian airfields as a material consideration to be afforded significant weight as a material consideration in the planning balance. Significant concern has again been expressed in terms of the impact of the proposal upon the safe operation of Rufforth Airfield in respect of the activities of York Gliding Club. The proposed development would be aligned on a secondary runway aligned north east south west used by the Club for take off manoeuvres involving a towing aircraft. If a towing or other aircraft were to develop a mechanical problem whilst taking off it requires a clear area in order to perform an emergency landing a short distance away. The relevant CAA

technical guidance indicates that such an area is required be in a direct alignment with the take off run way which in the current case would be within the footprint of the proposed complex of buildings. The applicant's own aviation report acknowledges this and recommends that for the proposal to be acceptable in air safety terms the airfield operator would need to alter their operational practise including warning potential users and discourage the use of certain types of aircraft.

4.26 Usage of the adjacent run-way is to an extent weather dependent with short term changes in wind direction necessitating its usage in preference to the longer north west /south east runway within the site with aircraft both singly and towing gliders using it for take off and landing manoeuvres. The proposed building complex envisages the erection of a substantial building complex set within a landscaped earth bund which would be up to 11 metres in height when mature. This would partially block the centre line of the runway causing a safety hazard with pilots particularly of towing aircraft having to undertake difficult operations within a confined space. The hazard would be particularly accentuated by the nature of the proposed landscaping which gives rise to the need for a particularly intensive form of management so as to minimise risk. A particular risk of air turbulence has been highlighted within the take off and descent path into the runway arising from the construction of the complex and its associated landscaping. It can be seen that the proposal would give rise to significant harm in terms of usage of the adjacent airfield contrary to paragraph 33 of the NPPF even not allowing for potential impact from bird strike.

4.27 A further issue relates to the proposed landscaping to the site and conditions it may create suitable for nesting birds with the possibility of bird strike affecting aircraft taking off and landing at the airfield. The landscaping of the scheme as revised has been redesigned so as to minimise the risk of bird strike. The ecological report submitted with the proposal further indicates the presence of only one species, the sky lark commonly associated with bird strike incidents in the general environs of the site. However the likely operation of the site when developed has not been accounted for with the complex of buildings and associated landscape planting creating appropriate conditions for breeding/foraging habitat for other species more commonly associated with bird strike such as the wood pigeon.

4.28 The applicant contends that the building complex and its associated landscaping would be no greater hazard to aircraft using the adjacent runway than traffic passing along Bradley Lane in the intervening area. Traffic is however an occasional moving obstruction which an experienced pilot would be able to take evasive action to avoid whereas the proposed complex is a substantial fixed permanent structure. At the same time the applicant has drawn attention to the permitted development rights in respect of erection of agricultural buildings and the potential for various regimes of husbandry within the field which may give rise to conditions prejudicial to air traffic. However the suggested alternative husbandry methods would be of a significantly lower degree of intensity than what is proposed

and the permitted development rights in terms of erection of agricultural buildings are circumscribed by rights of control appertaining to the Local Planning Authority in terms of design and location should it wish to exercise them. It is not therefore felt that the practise of alternative means of husbandry and/or the erection of an agricultural building or buildings would amount to a significantly detrimental fall back position in terms of the wider site.

4.29 Objections have also be raised on animal welfare grounds in respect of the impact of noise of aircraft taking off and landing at the adjacent airfield. However in view of the fact that the chickens would be kept in sealed sheds and the speed and frequency of flights would be relatively low this is not felt to be significant.

IMPACT UPON THE OPERATIONS OF THE YORK OBSERVATORY:-

4.30 In terms of the impact of the proposal upon the operations of the York Observatory some 400 metres to the east, the applicant has been able to demonstrate that the proposed lighting and the nature of the likely emissions from the site would not give rise to any material harm to the operation of the observatory.

IMPACT OF ADDITIONAL TRAFFIC UPON THE LOCAL HIGHWAY NETWORK:-

4.31 Concern has been expressed in relation to the impact of additional traffic movements involving large Lorries accessing Bradley Lane Rufforth from the B1224 within Rufforth village and travelling through Askham Richard village heading between the site and the A64 to the south west. Access to the site via Rufforth village would give rise to conditions prejudicial to highway safety by virtue of the size of vehicle and the configuration of the junction between Bradley Lane and the B1224 Wetherby Road. The negotiation of the junction at night by HGVs would also give rise to conditions prejudicial to the residential amenity of properties in Rufforth village. Vehicle movements to the site would however be modest involving five vehicles at a time and dependent upon the chicken growth cycles. Access to the A64 to the south via Askham Richard or Angram would not give rise to the same difficulties in terms of impact upon the safe and free flow of traffic and the applicant has indicated a willingness to submit a Unilateral Undertaking to define a route for HGV movements to and from the site.

ANIMAL WELFARE ISSUES:-

4.32 A large number of the objections received relate to the conditions under which the intensively farmed chickens would be kept and the associated animal health inspection regime. Particular concern has been raised in respect of conditions within the proposed unit and the nature of its management. Whilst these are clearly important matters the farm operation is regulated by a separate and distinct system of control administered by DEFRA and associated agencies. These matters are not

therefore in themselves material to the determination of this planning application. The ethical or moral values of the type of intensive farming proposed are not material to the determination of this planning application.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.33 Concern has again been expressed in relation to the impact of the additional hard surfacing upon the levels and rate of run off of surface water into local water courses which are running at capacity together with the possible leaching of pollutants from farm into neighbouring water courses to the detriment of animal and human health. The applicant has indicated that the contaminated surface water from the site would be collected and used as a source of fertiliser in the nearby area with uncontaminated water being collected and used for cleaning and irrigation purposes within the holding. A detailed scheme as to how this would be achieved has now been submitted and it can be clearly demonstrated that the surface water from the site can be dealt with effectively without giving rise to issues of flood risk elsewhere in the vicinity. At the same time manure from the site would be exported on a regular basis to a nearby anaerobic digester to be rendered into an inert fertiliser. The proposal is therefore felt to be acceptable in terms of its impact upon the local pattern of drainage.

5.0 CONCLUSION

5.1 The proposed building, which would consist of a series of six conjoined parallel sheds some 15,800 sq metres in area would without the provision of a substantial landscape bund give rise to substantial harm to the character and visual amenity of the local landscape. The application site comprises a gently sloping arable field with a number of middle and longer distance views to areas of partially wooded landscape beyond, the nature of which would be fundamentally altered by the proposal. Without the proposed bund the harmful nature of the change would be such as to render the scheme unacceptable.

5.2 In terms of applying NPPF Green Belt policies to this proposal, whilst the agricultural building on its own constitutes appropriate development under paragraph 89 and thus is deemed not to impact on openness of the Green Belt, the required landscaping bund is a separate engineering operation that constitutes inappropriate development as it falls to be assessed within the context of paragraph 90 and it would not preserve openness of the Green Belt. Consequently paragraph 14 does not apply to this proposal. No very special circumstances have been evidenced that would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

5.3 The proposal by virtue of its scale, location and cumulative presence with the associated landscaping would give rise to significant detrimental harm to the

operation of the adjacent airfield giving rise to a significant risk to the safety of aircraft and gliders taking off and landing using the adjacent runway contrary to Government Planning Policy as outlined in paragraph 33 of the National Planning Policy Framework. The proposal would therefore give rise to substantial harm in terms of the planning balance.

5.4 For these reasons the proposal is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The development by virtue of its scale, dense pattern of landscaping and close physical relationship to a principal run-way of Rufforth Airfield would give rise to significant harm to the safety of aircraft and associated gliders taking off and landing contrary to Government Planning Policy as outlined in paragraph 33 to the National Planning Policy Framework.

2 Without the landscaped bund, the agricultural building by virtue of its prominent scale and location would cause significant adverse harm to visual amenity and the landscape character of the area contrary to paragraph 61 Section 7 in the NPPF. The landscaped bund is an engineering operation and constitutes inappropriate development in the Green Belt when applying the national policy tests in paragraph 90 of the NPPF as it fails to preserve openness. No very special circumstances have been put forward by the applicant to clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

7.0 INFORMATIVES: Notes to Applicant

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

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

- i) The relocation of the scheme within the site to lessen impact upon the adjacent airfield.
- ii) The redesign of the landscaping in order to make it appear more naturalistic and of a lesser impact upon the open character of the Green Belt.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

Contact details:

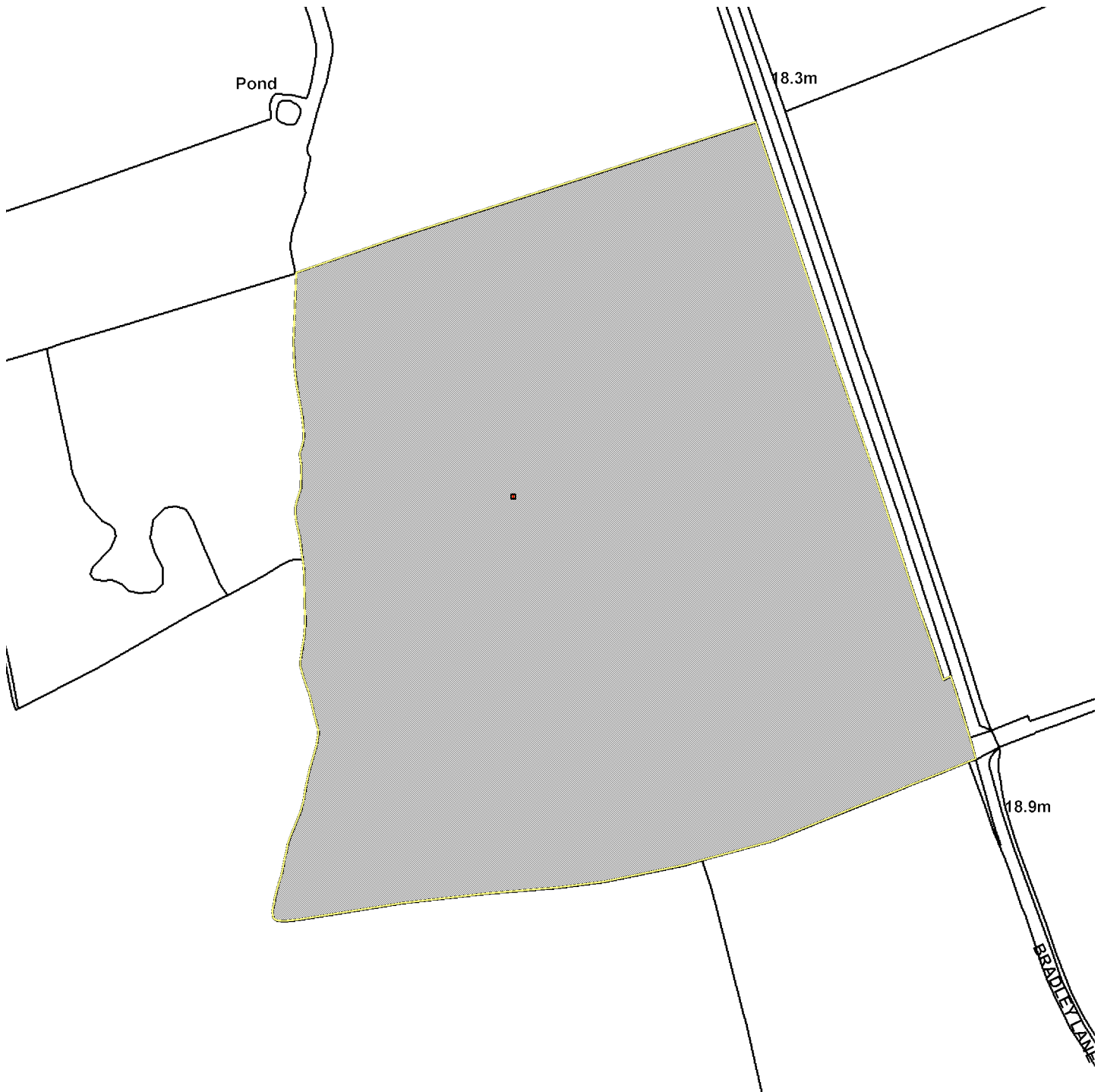
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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16/01813/FULM

Land at Grid Reference 458205 449925 West of Bradley Lane



Scale : 1:2869

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	08 November 2016
SLA Number	Not Set

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3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection raises no objection to the proposal on the basis that the site is subject to the Environmental Permitting Regulations regulated by the Environment Agency.

3.2 Planning and Environmental Management was consulted in respect of the proposal on 6th September 2016. Any comments received will be reported to Committee.

3.3 Highway Network Management was consulted in respect of the proposal on 6th September 2016. Any comments received will be reported to Committee.

3.4 Public Rights of Way was consulted in respect of the proposal on 6th September 2016. Any comments received will be reported to Committee.

EXTERNAL:-

3.5 Natural England raises no objection to the proposal.

3.6 The Environment Agency raises no objection to the proposal.

3.7 Rufforth with Knapton Parish Council raises no objection to the proposal.

3.8 The Ainsty (2008) Internal Drainage Board raises no objection to the proposal.

3.9 "Treemendous" York raises no objection to the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon local biodiversity;
- Impact upon the safety and convenience of highway users;
- Impact upon the local pattern of surface water drainage.

PLANNING POLICY:-

Development Plan

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

Local Plan

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

Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded very little weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be

restricted. Your officer's view is that this presumption does not apply to this proposal as the more restrictive policies apply in Section 9 to the NPPF.

4.7 GREEN BELT:- As noted above saved Policies YH9C and Y1C of the Yorkshire and Humber Side Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves five key purposes:

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

4.8 New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. Inappropriate development may only be permitted where "very special circumstances" have been demonstrated. Paragraph 88 of the National Planning Policy Framework indicates that "very special circumstances" will only exist where potential harm to the Green Belt and any other harm is clearly outweighed by other considerations. Policy GB1 of the 2005 DCLP is also capable of being a material consideration and includes a policy presumption against inappropriate development within the Green Belt. The Emerging Draft Local Plan is also a material consideration although it may only be afforded very limited weight at the present stage in the plan preparation.

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

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

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

4.12 ENVIRONMENTAL IMPACT ASSESSMENT: - The 2011 Town and Country Planning (Environmental Impact Assessment) Regulations through Schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against. The current proposal falls within Schedule 2 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations being a waste disposal by landfill site of over 1 hectare in area.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT:-

4.13 The application site occupies a prominent location within the York Green Belt to the west of the City Centre and is of some long standing, occupying the northern section of a former military airfield. As a change of use the development does not come within any of the categories of development identified as not being inappropriate within the Green Belt contained within paragraphs 89 and 90 of the NPPF. A requirement to establish a case for "very special circumstances" therefore applies. Paragraph 88 of the NPPF is clear that in order for "very special circumstances" to be established it must clearly outweigh any harm to the Green Belt by reason of inappropriateness and any other harm.

4.14 As very special circumstances, the applicant cites the National Planning Policy for Waste (2014) which identifies the need for Waste Planning Authorities to give significant weight to the need to extend the life of existing land fill sites where necessary as recyclable/reusable waste forms are transferred up the waste hierarchy. At the same time the site has been proposed to be safeguarded as a Strategic Waste Management site in view of its importance for the treatment of recyclable and non-recyclable waste within the southern section of North Yorkshire as well as the City itself, within the Issues and Options Paper for the York and North Yorkshire Joint Minerals and Waste Local Plan. The Plan is currently at approved draft publication stage, and at the time of Committee will be within the consultation period. It can therefore be afforded some limited weight. On the basis of the national policy context and emerging local context, it is felt that a sufficient case for "very special circumstances" to justify the continued use of the site exists.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.15 The application site lies within open countryside to the north east of the village of Rufforth although a number of residential properties lie within a 500 metre radius and as a consequence of the elevated nature of the site longer distance effects are sometimes experienced in terms of noise from processing machinery. The site is however subject to a detailed noise management plan which has proved highly effective in recent times and it is felt that there has been no material change in circumstances in respect of impacts upon residential amenity since planning permission for extension of the landfill activity was initially given in 2004.

IMPACT UPON BIODIVERSITY:-

4.16 The application site comprises the partially degraded and over-grown site of a former military airfield. There are no sites of designated habitat or biodiversity importance within the direct vicinity and no specific evidence of protected species either resident or foraging within the environs of the site. Both the phase restoration and overall restoration plans do however make provision for habitat development and enhancement as part of the overall work and form a central element of the longer term treatment of the site. As such the development is felt to be acceptable in biodiversity terms and there has been no material change in circumstances since the initial permission was given.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-

4.17 The application site lies directly to the north of and is accessed from the B1224 Wetherby Road to the east of Rufforth village. With current circumstances the site receives significant traffic flows of waste vehicles associated with the landfill operation evenly spaced throughout the day. With the development of the energy from waste plant at Allerton Park and other re-cycling activities at the site the balance of vehicle movements will change and then generally lessen. The traffic impact of the land filling has been effectively regulated by the existing permission and subsequent permissions including that for the Waste Transfer Station associated with Allerton Park ref 16/00357/FULM have provided an effective degree of regulation of wider traffic flows into and out of the site. Continued land fill activity is therefore felt to be acceptable in planning terms over the proposed period.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.18 The application site has its own pattern of surface water drainage linking in to the Foss beck flowing to the Ouse to the north east at Nether Poppleton. The proposal if implemented would allow for the realignment of the beck and the controlled disposal of the surface water from the additional land fill cells would be effectively regulated by the continuance of the conditions to the previous permission.

It is felt that once again there has not been a material change in circumstances since the previous permission and the proposal is felt to be acceptable in drainage terms.

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial waste processing site by landfill with ancillary facilities dating to the mid 1980s lying within a Green Belt site to the west of the City Centre. Planning permission is presently sought under Section 73 of the 1990 Town and Country Planning Act to vary condition 4 to planning permission 00/02689/FULM to allow for an extension of a further 15 years to the previously approved land-filling operation at the site in the eventuality that it is not possible process the anticipated volumes of waste through the approved Allerton Park Energy from Waste Plant. The proposal falls within Schedule 2 to the 2011 Town and Country Planning (Environmental Impact Assessment Regulations) and is subject to an addendum to the previous Environmental Statement, This analyses the impact of the proposal in terms of air quality and odour, noise, flood risk, ecology, and traffic and transport, It is felt that there has not been a material change in circumstances since the previous grant of permission and approval is therefore recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Written notification of the date of commencement of site preparation, installation of liners and associated infrastructure, and land-filling of waste shall be sent to the Local Planning Authority within 21 days of such commencement.

Reason: to enable the planning authority to monitor the operations and to ensure compliance with this permission

3 The developer shall notify the Local Planning Authority in writing within one month of the dates of commencement/completion of the following:

- a. Commencement of each new phase of tipping;
- b. Completion of each phase of tipping;
- c. Completion of restoration of each tipping phase;
- d. Completion of the landscape/planting scheme;
- e. Completion of final restoration and;

f. estimated date for completion of aftercare.

Reason: to enable the Local Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission.

4 This permission shall be limited to a period of 15 years from the notified date of commencement of the development by which time tipping/operations shall have ceased and the site have been restored in accordance with the scheme to be approved under condition 26 below and shall be the subject of aftercare for a period of five years unless with the prior agreement in writing of the Local Planning Authority.

Reason: to provide for the completion and progressive restoration of the site within the approved timescale in the interest of the amenity of residents and as need for a waste disposal facility for this period of time has been proven.

5 Unless otherwise approved in writing by the Local Planning Authority, the working and restoration of the site shall be carried out only in accordance with the engineering principles, working programme, description of operations, phasing plans, environmental monitoring, restoration and aftercare details described and illustrated in Chapter 2 'Landfill Design and Operation' of the submitted Environmental Impact Assessment dated June 2002. Operations on the application site shall be carried out in accordance with the approved plans, working scheme and details and no part of the operations specified therein shall be amended or omitted without the prior written approval of the Local Planning Authority.

Reason: to enable the Local Planning Authority to control the development and to minimise its impacts on the amenities of the local area and to ensure the site is restored within the time

6 Notwithstanding the provisions of Part 4 and (where relevant) 21 24 and 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order);

(a) no fixed plant or machinery, building, structures and erections, or private ways shall be erected, extended, installed, or replaced within the site without the prior approval in writing of the Local Planning Authority;

(b) no additional lights or fences shall be installed or erected at the site unless details of them have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that uncontrolled development does not harm the openness of character and appearance of the Green Belt or the amenity or residential amenity

7 No waste vehicle shall enter or leave the site and no working, except for landfill gas combustion plant and leachate treatment plant or working in the case of emergencies or by prior approval in writing by the Local Planning Authority, shall take place except between the hours of 07.30 and 17.00 Mondays to Sundays. There shall be no working on Christmas Day, Boxing Day and New Years Day.

Reason: In the interest of the amenity of residents.

8 Unless otherwise approved in writing by the Local Planning Authority, final landform and surface restoration levels shall accord with the landform and the finished restored contours shown on Figure 2.iv Rev A and 2.v Rev A of Chapter 2 of the submitted Environmental Impact Assessment dated June 2002. To that end, no land-filling shall be commenced until a scheme of final tipping levels (including allowance for anticipated settlement and final cover) has been submitted and approved in writing by the Local Planning Authority. When those levels have been achieved, no further tipping will be allowed other than final capping and cover, and provision for minor infilling to prevent ponding and to ensure satisfactory surface drainage.

Reason: To ensure the proper restoration of the site in accordance with the submitted plans.

9 As the operation approaches final fill levels and in any case before the final grading of cover and before the spreading of subsoil, the surface levels shall be checked by competent land surveyors. Thereupon markers shall be erected to indicate the approved final fill levels, approved restored surface level and any appropriate approved intermediate levels.

Reason: To ensure proper restoration of the site.

10 No waste other than those waste materials defined in the application shall enter the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: Waste materials outside these categories raise environmental and amenity issues which may require consideration a fresh consideration.

11 All access to and egress from the site shall be via the existing site access. No other access shall be used by traffic entering or leaving the site and appropriate signs and markings, which shall first have been approved by the Local Planning Authority, shall be provided an implemented prior to the new access being brought into use.

Reason: In the interests of highway safety.

12 Prior to commencement of the development a sign shall be erected and thereafter maintained at the site exit, advising drivers of vehicle routes agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of local residents.

13 Prior to the commencement of development a scheme to ensure that all vehicles leaving the site are in such conditions as not to emit dust or deposit mud, slurry or other debris on the highway shall be submitted to and approved in writing by the Local Planning Authority. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

14 No development shall be commenced until a scheme to minimise the emission of dust from the development hereby authorised (including measures to monitor emissions) has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include (the water spraying of access and haul roads to suppress dust in periods of prolonged dry weather), and shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturers instructions for the duration of the permission, unless with the prior written approval of the Local Planning Authority to a variation.

Reason: To protect the amenities of local residents.

15 No land-filling shall be commenced until a scheme for controlling scavenging birds has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the hours of daylight throughout the life of the site.

Reason: To protect public health and/or residential amenity and air safety.

16 Prior to the commencement of the development hereby permitted a Noise Management Protocol scheme for the management and minimisation of noise shall be submitted to and approved in writing by the Local Planning Authority. The approved Protocol shall include:

- i. A protocol for the regular monitoring of noise levels from the site by site operators to ensure compliance with these conditions and/or other statutory noise limits.
- ii. A protocol for the use of audible reversing alarms and their alternatives.

- iii. Proposals for the siting, silencing, enclosure and screening of fixed plant and machinery.
- iv. A protocol for the use of portable acoustic screens around temporary plant.
- v. A protocol for the use of quieter plant and machinery nearer to noise sensitive locations.
- vi. A protocol for the recording, investigation and reporting of noise complaints to City of York Council.

Reason: to minimise noise in the interest of the amenity of residents and the area generally.

17 Prior to the commencement of the development a scheme for the erection of acoustic screening and earth bunds shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and in place prior to the commencement of any operations and shall remain in place thereafter in accordance with the approved scheme.

Reason: to minimise noise in the interest of the amenity of residents and the area generally.

18 Noisy activities including the formation of earth bunds, soil stripping, the preliminary excavation and construction of the cells shall be limited to 8 weeks per year and during these activities the level of noise emitted from the site shall not exceed the following specified limits between the hours of 08.00 to 18.00 from Monday to Friday and 09.00 to 13.00 on Saturday as measured at 3.5 metres from the nearest facade of the following properties, unless otherwise agreed in writing by the Local Planning Authority:

55 dB LAeq, 1 hour (free field) at Huntsham Farm, Hessay

54 dB LAeq, 1 hour (free field) at Little Garth, Rufforth

52 dB LAeq, 1 hour (free field) at Well Garth House, Rufforth

45 dB LAeq, 1 hour (free field) at Milestone Avenue, Rufforth and Low Moor, Hessay

Reason: to control noise in the interest of the amenity of residents and the area generally.

19 During normal working operations of the site (excepting those described in condition 18 above), the level of noise emitted from the site shall not exceed the following specified limits between the hours of 07.00 to 18.00 from Monday to Sunday as measured at 3.5 metres from the nearest facade of the following properties, unless otherwise agreed in writing by the Local Planning Authority:

47 dB LAeq, 1 hour (free field) at Huntsham Farm, Hessay

54 dB LAeq, 1 hour (free field) at Little Garth, Rufforth

52 dB LAeq, 1 hour (free field) at Well Garth House, Rufforth

45 dB LAeq, 1 hour (free field) at Milestone Avenue, Rufforth and Low Moor, Hessay

Reason: to control noise in the interest of the amenity of residents and the area generally.

20 The level of noise emitted from the site shall not exceed 42 dB LAeq, 1 hour (free field) between the hours of 18.00 to 23.00 from Monday to Sunday as measured at 3.5 metres from the nearest facade of the following properties, unless otherwise agreed in writing by the Local Planning Authority :

- Huntsham Farm, Hessay
- Little Garth, Rufforth
- Well Garth House, Rufforth
- Milestone Avenue, Rufforth
- Low Moor, Hessay

Reason: to control noise in the interest of the amenity of residents and the area generally.

21 The level of noise emitted from the site shall not exceed 30 dB LAeq, 5 minutes (free field) between the hours of 00.00 to 07.00 and 23.00 to 24.00 from Monday to Sunday as measured at 3.5 metres from the nearest facade of the following properties, unless otherwise agreed in writing by the Local Planning Authority:

- Huntsham Farm, Hessay

- Little Garth, Rufforth
- Well Garth House, Rufforth
- Milestone Avenue, Rufforth
- Low Moor, Hessay

Reason: to control noise in the interest of the amenity of residents and the area generally.

22 There shall be no discharge of contaminated waste water from the site into any Environment Agency "controlled waters" viz. Soak-aways, ditches, watercourses, ponds or lakes.

Reason: To safeguard water quality.

23 The development hereby permitted shall not be commenced until details of the following works have been submitted and approved in writing by the Local Planning Authority:

(a) Details of works proposed to control surface water within and adjacent to the site.

(b) Control, management and monitoring measures to safeguard the adjacent watercourse, including measures for monitoring and controlling

(i) groundwater levels and quality (in relation to dewatering and its land use implications);

(ii) surface water levels in and adjoining the landfill area, including groundwater discharge areas and surface water drains, to safeguard against siltation or erosion affecting the heath land. These procedures shall include trigger levels and contingency measures to be put into effect in the event that these levels are exceeded.

Reason: In the interests of amenity and to protect the adjacent watercourse.

24 Topsoil and subsoil stripping:

a) The topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this re-spreading is not practicable, the topsoil shall be stored separately for subsequent replacement.

b) When the subsoil is to be retained for use in the restoration process, it shall be stripped to a depth to be agreed in writing with the Local Planning Authority and shall, wherever possible, be immediately re-spread over the replaced overburden/low permeability cap. If any re-spreading is not practicable the subsoil shall be stored separately for subsequent replacement. Subsoil not being retained for use in the restoration process shall be regarded as overburden.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site.

25 All work of soil stripping, stockpiling and reinstatement should be carried out when the material is in a dry and friable condition, and then only along clearly defined routes. Both when being moved to storage locations and when being moved to final surface position, topsoil and subsoil shall be transported, and not bladed.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site.

26 The site shall be progressively reclaimed and managed for woodland and agriculture purposes in accordance with a scheme to be submitted for approval to the Local Planning Authority before the commencement of the development hereby permitted. The scheme shall include details of:

a) the nature and extent of the intended after use of the site, including the creation of woodland, pasture, watercourses and public footpath,
b) the sequence and phasing of restoration showing clearly the relationship to the working scheme

c) the re-spreading over the floor of the excavated area of subsoil and topsoil previously stripped from the site, in that order.

d) the re-spreading on completion of each phase of filling, of a total depth of at least 1 metre of final cover consisting soil or other cover material suitable as a rooting medium, free of (large) stones or other obstructions to cultivation. This final cover shall be placed in layers. Any suitable cover material previously stripped from the site being placed first as a base layer then subsoil as an intermediate layer, then topsoil as the uppermost layer to a depth to be agreed and seeded with a suitable herbage mixture

e) the ripping of any compacted layers of cover to ensure the adequate drainage and aeration, such ripping should normally take place before placing of the topsoil

f) the machinery to be used in soil spreading operations

g) the final levels of the restored land (and the gradients of the restored slopes around the margins of the excavation) to be no higher than the original ground levels (except where essential in order to allow effective surface water run-off) and graded to prevent ponding of surface water.

h) drainage of the restored land including formation of suitably graded contours to promote natural drainage and the installation of artificial drainage

i) the reinstatement of the plant site and access roads by clearing plant, buildings, machinery and concrete or brickwork, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites

j) grass seeding of restored areas with a suitable herbage mixture as part of the aftercare and a schedule of the number, size, species, spacing and distribution of shrubs and trees to be planted

k) monitoring of settlement and remedial measures to be adopted

i) a timetable for implementation;

and upon approval such scheme shall be implemented as approved.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenity of local residents, the appearance of the area and the promotion of biodiversity.

27 ARCH2 Watching brief required

28 Before the development hereby permitted is commenced details of all external floodlighting and other illumination proposed at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: height of the floodlighting posts, intensity of the lights (specified in Lux levels), spread of light including approximate light spillage to the rear of floodlighting posts (in metres), any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding), and the times when such lights will be illuminated.

Reason: in the interest of the appearance of the site.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies including the imposition of appropriate conditions, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

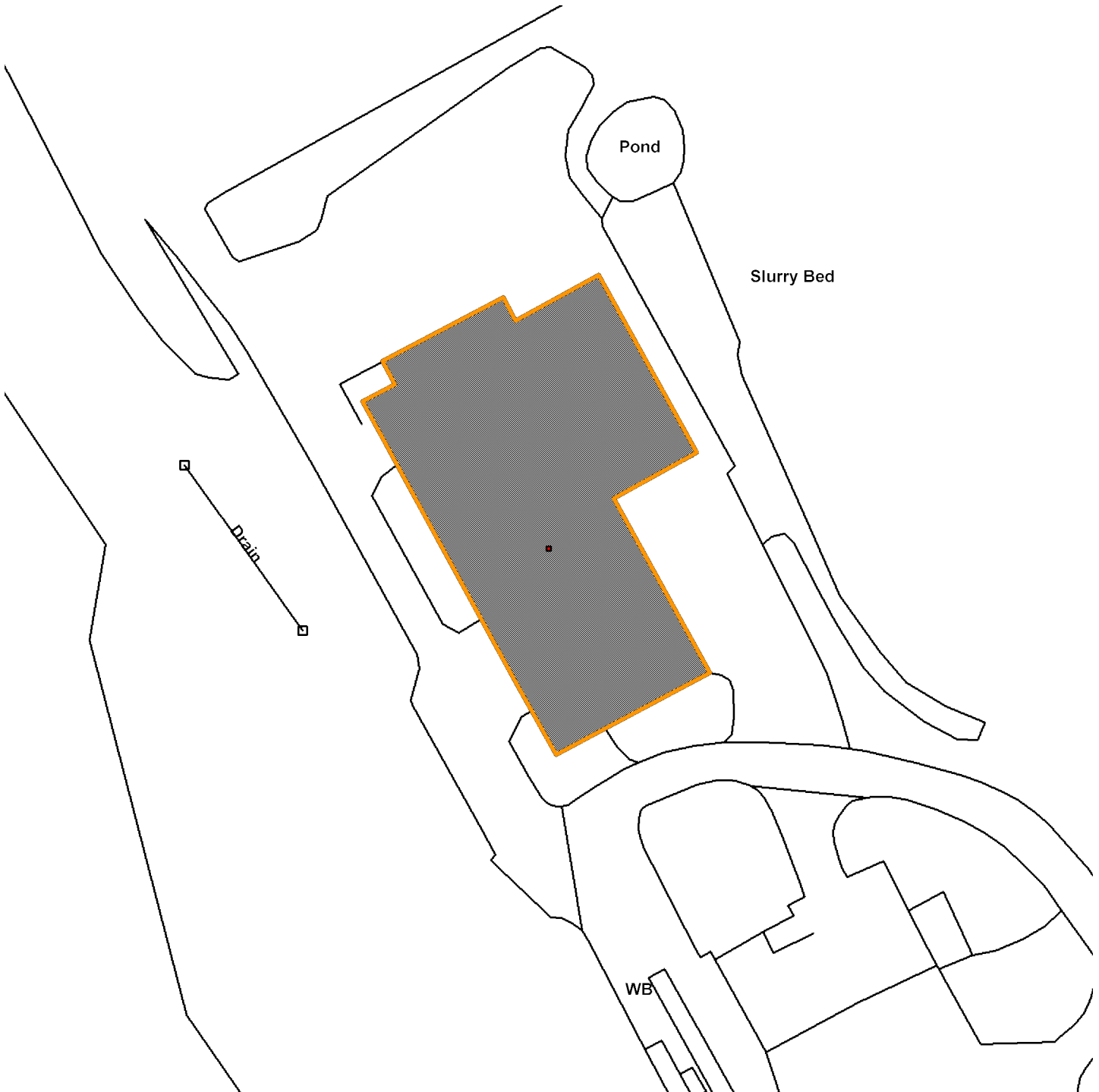
Contact details:

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16/00534/FULM

Yorwaste Harewood Whin Tinker Lane Rufforth



Scale : 1:1024

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	08 November 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 17 November 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 15/01571/FULM
Application at: Coal Yard 11 Mansfield Street York YO31 7US
For: Erection of four storey block for student accommodation (84 units)
 following demolition of existing building
By: Horwell Bros Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 27 June 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full application for the erection of a building to provide student accommodation at Mansfield Street York. Members may recall that the application was deferred from consideration at the meeting on the 18th August, to enable further liaison to take place between the applicant and officers in order to seek satisfactory details of a flood evacuation plan. A Committee site visit was conducted on 16th August 2016.

1.2 The site is located to the east of Foss Islands Road. Access is along Mansfield Street, a small cul-de-sac of mixed commercial development. To the north of the site is a retail unit formally occupied by Topps tiles, to the south and east are various commercial and industrial uses.

1.3 The land is an existing coal yard consists of a single storey office building and enclosed yard area with bunkering and storage bays. The site measures approximately 35 metres by between 32 and 39 metres with the addition of the office building area measuring 18 metres by 13 metres.

1.4 The proposal, which has been amended since first submission, is to remove the existing single storey office building and redevelop the coal yard area with a four storey structure to provide student accommodation (84 units with associated kitchen and living areas). The existing office building area will provide 5 car parking spaces and cycle and bin storage to service the building.

PLANNING HISTORY

1.5 There is no relevant planning history on the site.

2.0 POLICY CONTEXT

2.1 Policies:

Please see section 4 of this report for the policy context.

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - No objections to the amended scheme subject to conditions.

3.2 PLANNING AND ENVIRONMENTAL MANAGEMENT (Forward Planning) - satisfied that the principle of the scheme can be supported. The applicant has shown a need for student housing in accordance with policy ED10 of the Development Control Local Plan. The report by Lawrence Hannah setting out the viability of the site as an employment site is accepted. The policy team recognise that there is not a strong case for retaining the Employment use of the site.

3.3 PLANNING AND ENVIRONMENTAL MANAGEMENT (Archaeology) - An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site. This work should have been carried out in advance of determining this application. However, on this site City Archaeology are prepared to accept that this work can proceed after the application has been determined if appropriate conditions requiring evaluation and if appropriate excavation is carried out at the site

3.4 EMERGENCY PLANNING - Considers that we should not accept development in flood zone 3a which potentially creates a demand for assistance from the emergency services at a time when they are likely to be very busy. Revised Flood Evacuation Plan :- disappointed that the suggestion for an emergency egress gate in the perimeter fence, used solely in time of flood and controlled by the building wardens, could not be negotiated with neighbouring premises. Previous comments and concerns remain.

3.5 FLOOD RISK MANAGEMENT TEAM - no objections in principle subject to conditions which seek to ensure that the site is properly drained.

3.6 PUBLIC PROTECTION -The submitted noise survey acknowledges the high level of noise associated with the adjacent construction sites. Public protection is however satisfied that the amenity of students will be protected with the use of specific glazing to windows and trickle ventilation and this is to be conditioned. In addition conditions are required to achieve an electric hook up point in the car park

area, and environmental management plan during the construction phase of the development, conditions relating to the installation of plant and equipment and land contamination.

EXTERNAL

3.7 GUILDHALL PLANNING PANEL - No comments received.

3.8 YORKSHIRE WATER AUTHORITY - SITE LAYOUT - Yorkshire Water has no objection to the proposal from the developer to cut back the existing live 3" diameter water main located within the site. If there are properties fed from this main then the services will require diverting at the developers cost. SURFACE WATER - The submitted Flood Risk Assessment, dated 10th February 2016, does not confirm a route or rate for surface water disposal.

3.9 The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical before considering disposal to a public sewer.

3.10 ENVIRONMENT AGENCY - Provided the Sequential test is passed there are no objections to the application subject to conditions which seek to ensure that the details in the submitted flood risk assessment are implemented. Emergency planning should be consulted. (N.B. The Agency has been involved in the preparation of a revised evacuation plan).

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Principle of the development
- Loss of employment land
- Student housing
- Siting and design
- Residential amenity
- Highways access and parking arrangements
- Sustainability (of the buildings)
- Flood risk and drainage

PLANNING POLICY

4.2 The site is located to the east of the city centre in a sustainable urban location.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.3 Paragraph 14 of the NPPF indicates that the heart of the framework is a presumption in favour of sustainable for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

4.4 The footnote to paragraph 14 indicates that the presumption in favour of development does not apply where more restrictive NPPF policies apply, such as in areas at risk of flooding.

4.5 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation

4.6 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. At paragraph 20, to help achieve economic growth, the NPPF sets out that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 22 advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.7 The Government advises at paragraph 50 that to deliver a wide choice of high quality homes, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.8 Paragraph 103 says that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test and if required the exception test it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there is an overriding reason to prefer a different location and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any

residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.

DEVELOPMENT PLAN

4.9 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt.

CITY OF YORK DRAFT LOCAL PLAN

4.10 The City of York Council does not have a formally adopted Local Plan. Nevertheless the City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP) was approved for Development Management purposes. The DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.11 Policy E3b (Existing and Proposed Employment Sites) seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. In addition either point b), c) or d) of policy must be met.

4.12 Under Policy ED10 (Student Housing) planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicants must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, scale and location and the amenity of nearby residents. Car parking must also be satisfactorily managed.

Emerging Local Plan

4.13 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan - Preferred Sites 2016" document and other supporting technical documents. Members have approved

these documents for consultation which commenced on the 18th July 2016 and will run until the 12th September 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.14 The site is proposed to be allocated for light industrial, storage and distribution (B1c/B2/B8) employment uses under Policy EC1: Provision of Employment Land. The application site falls within the wider proposed allocation known as E5: Land at Layerthorpe and James Street Sites at James Street (900sq.m/0.2ha). This allocation has been carried forward into the allocations document June 2016.

4.15 The site is also an existing employment site. Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the DCLP. When considering proposals uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that that is necessary to meet employment needs during the plan period.

4.16 Students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. The council encourages purpose-built student accommodation where there is a proven need and it is designed and managed in a way that attracts students to take it up under emerging local plan policy H7 (Student Housing). This continued the approach to student housing in the DCLP.

Evidence Base

4.17 The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business expansion is in part dependent on ensuring the availability and suitability of employment land.

4.18 The application site has been considered for employment use through the emerging local plan site selection process. All sites were analysed individually however in order to create the best opportunities for sustainable sites where possible individual sites were amalgamated into larger sites where they were adjacent to each other or overlapping. The site forms part of the larger site referenced 307. Following analysis the site was found to be an existing employment

area that should be retained for small scale owner-occupier and small scale business demand including B1 (c) and B2 uses. This has led to the proposed allocation of the site as part of a wider site known as E5 in the emerging local plan. It found that the development of B use classes on this site would complement the surrounding area and have an excellent impact on improving employment opportunities in the area, with an excellent ability to deliver several significant regional and local policy objectives. The draft allocation document June 2016 carries this allocation forward identifying the site as a vacant plot within an existing employment area.

4.19 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

Principle of the Development

4.20 The site is previously development land sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed in this location is supported by the NPPF. Student housing can relieve the pressure on 'traditional' housing and provide a level of employment; The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic uses as such the general thrust of the NPPF is supportive of the development proposed.

Loss of Employment Land

4.21 The Government through the NPPF is seeking to ensure that the planning system does every thing it can to support sustainable economic growth. Significant weight should be attached to this aim in planning decisions. Local planning authorities should plan proactively to meet the development needs of business however Paragraph 22 of the NPPF says the long term protection of sites allocated for employment should be avoided where there is no reasonable prospect of the site being used for the allocated employment use.

4.22 Both the DCLP and the emerging Local plan have policies that seek to resist the loss of employment land. That is policy E3b of the DCLP and policy EC3 of the emerging plan. Policy E3b says planning permission will only be given for other uses where there is a sufficient supply of employment land and, unacceptable environmental problems exist or, the development of the site for other appropriate uses will lead to significant benefits to the local economy or, the use is ancillary to an employment use. Generally evidence that an employment use is no longer viable will be required if non employment uses (those falling within class B1, B2 and B8). This normally includes marketing the property for sale.

4.23 The applicant has commissioned property Construction Consultants Lawrence Hannah to write a report on the loss of employment land. The report considered the site in the context of B1 (office), B1/B2 (Industrial), A1 (Retail) and D2 (Leisure). The key messages from the report include:

- There has been no marketing of the site itself;
- There is little demand within these business sectors based on nearby premises;
- In relation to industrial uses there is a disproportional split between of office to yard space;
- There is limited access to the site which makes it unsuited to b8 uses;
- Continued use of the site as a coal yard, waste transfer/storage yard, provides a source of conflict with adjacent uses;
- The land and building are not viable in terms of market attractiveness, business operation or condition;
- Policy E3b supports the permission for non employment uses if ancillary to an employment use. The Lawrence and Hannah report suggests the provision of student accommodation is ancillary to the delivery of further education in York.

4.24 Policy colleagues accept the Lawrence Hannah report and do not object to the principle of the development based on the criteria in draft policy E3b. This stance is somewhat in conflict with the continued promotion of the site for employment use as part of the allocations document (June 2016) to the emerging local plan. However the current evidence, which is not contradicted by policy, is that there is no demand for employment uses on this site and the current use is not likely to remain. On this basis no objections are raised to the principle of the loss of the employment site.

STUDENT HOUSING

4.25 Paragraph 50 of the NPPF says that Local planning authorities should plan for a wide choice of high quality homes based on current and future demographic trends, market trends and the needs of different groups in the community.

4.26 The DCLP through policy ED10 and the emerging plan through policy H7 are relevant to applications for student housing. Policy ED10 (Student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development is acceptable and the impact on the amenity of nearby residents would not be detrimental. Car parking must also be satisfactorily managed.

4.27 The emerging local plan says that students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. The council encourages purpose-built student accommodation where there is a proven need and it is designed and managed in a way that attracts students to take it up under emerging policy H7.

4.28 A report has been prepared DWP with input from specialist providers in relation to the need for additional student accommodation. The report considers the following:

- Student numbers: Total 23,095 in 2013/2014, with those in full time education 20,005;
- The proposed growth in student numbers at both Universities in York over the coming years: from 6,500 to 8,000 by 2018 at York St John and by 5,500 students up to the period 2030 at York University;
- Accommodation provision: at York St John's (1657 bed spaces), University of York (4,950 bed spaces), private accommodation (1289 bed spaces) and proposed student accommodation developments (326 bed spaces).
- Increasing dependence on private sector for provision;
- Provision of purpose built student accommodation at Mansfield Street will help to reduce the number of Houses in Multiple Occupation (HMO's);
- Recent investment in student housing provision has resulted in an increase in bed spaces but does not fully address potential demand;
- Much of the existing student accommodation is old and will need to be taken out of use either as it becomes obsolescent or refurbished;
- Interest from several student accommodation providers indicating investor confidence in the sector and the delivery of purpose built student accommodation remains a market opportunity.

4.29 In relation to the figures provided in the DWP Report, Officers would agree with the student totals and the proposed growth in student numbers. There is also general agreement with the accommodation provision in bed spaces, apart from the proposed developments which should also include 660 bed spaces at the former St Joseph's Convent on Lawrence Street, 58 self contained units at 2-14 George Hudson Street and 114 student rooms at 29-31 and 37 Lawrence Street. However even when these additions are factored planning policy consider that there is still a demand for student accommodation bed spaces. In accordance with DCLP policy ED10 it is considered that the applicant has shown that there is a need for the development. Other elements of draft policy ED10 are considered below.

SITING AND DESIGN

4.30 The site is located at the end of Mansfield Street; a small cul-de-sac accessing a range of none domestic uses. The site itself is surrounded by industrial and retail development and sits about 1 metre lower than land to the north, east and south. There is an existing single storey office building on the south west side of the land the remaining yard area is used for the storage of coal and consists of an impermeable surfaced area with brick wall boundary. The initial design for the site was for the erection of a five storey building providing 107 student units. The scheme has been redesigned to provide 84 student units in a four storey building. The upper level is provided as a glazed recessed roof structure to lessen the visual significance of the upper level. The building is otherwise predominantly a brick structure which sits fairly centrally within the yard area; the existing office structure is removed to provide space for car parking, cycle and bin storage facilities. A turning area at the end of the cul-de-sac is also provided as part of the car parking arrangements and this will be adopted as highway land.

4.31 The building is accessed from its western side via a pedestrian access gate. It is set back from the road providing small court yard for visitor cycle parking and a small landscaped amenity area. The north and south elevations are set 5 metres from the northern and southern boundaries and a little less from the eastern boundary. The narrow area around the building, which is enclosed by a 2 metre wall, provides the external space for the accommodation. The height of the building is 10 metres to a parapet and 12 metres in total; this is shown in cross section as being marginally higher than the highest part of the gym building on the western side and similar in height to the highest part of the adjacent, recently converted (to residential use), William Birch offices. The industrial uses at the rear of the site and former Topps tiles to the north are industrial buildings on a single level. Being set a metre above the site level reduces the differential in height between the existing and proposed structures nevertheless in views of the building from the east and from Layerthorpe to the north the building will be visible.

4.32 In Officers' opinion there is no overriding character to the area that would preclude the approach to development proposed by the applicant and there would be no reasonable basis to object to the proposed scheme on design grounds despite its large scale and design that is different to its immediate surroundings.

RESIDENTIAL AMENITY

4.33 The closest residential development to the site is located in the former William Birch Offices, which have been converted under Permitted Development rights following the approval of a prior notification application. Student housing has also been constructed on a site to the east. However the site's nearest neighbours are commercial uses; retail, leisure and industrial. At the request of Public Protection, the applicant has submitted a noise report which assesses the noise environment for future residents. Public Protection have considered this report and concluded that with appropriate glazing the building will provide an acceptable residential

environment for students and support the application subject to a condition requiring noise insulation details.

4.34 The site's current environment is not one in which a residential use can easily be envisaged. The existing coal use, the single storey office, the poor state of repair of buildings on the periphery and the boundary treatment all need upgrading. The proposed scheme includes work to maintain and improve the site boundaries and the removal of the existing building will in itself change the balance of development and create a better environment. City centre facilities are close by and the cul-de-sac location means traffic and pedestrian movements are relatively low. Officers consider that overall the balance of uses in this area is changing as part of this changing environment and, based on the enhancement of the site boundaries providing a better backdrop to the proposed external space; it is considered that the development will provide an acceptable residential environment for student housing.

HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.35 Highway Network Management have no objection to the proposed development. The proposed student accommodation is close to the city centre, public transport and the University of York St John. It is within easy cycling distance of the University of York and therefore deemed to be situated in a sustainable location.

4.36 The block is situated at the head of a road which currently does not have a turning head. Parking restrictions protect the free flow of traffic in this and nearby streets. Although the site is considered to be in a sustainable location, the limited off-street parking means that without viable sustainable travel alternatives being promoted, the development has the potential to still attract multiple car ownership but without the off-street facilities to accommodate them. In order to address this Highway Network Management require a travel plan to incentivise sustainable travel and reduce the potential impact on the highway. The travel plan shall contain information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets, and delivery of further cycle parking if demand requires.

4.37 There are 84 units proposed in the amended layout. The cycle shelter provides 36 covered and secure cycle spaces. A further covered area for 8 bikes within the secure compound has been provided and this could be extended if bike use was significant. This provides the block with a minimum of 50% provision of CYC Appendix E standards which has been adopted on a number of student accommodation sites nearby.

4.38 The applicant has provided a turning head suitable for modest delivery vehicles, the turning head would be offered up for adoption. Access to private parking to be controlled by the applicant is also from the turning head. The parking

will enable the occupier to manage start/ end of term arrivals/ departures. Highway Network Management requests a management plan to be conditioned in line with other student accommodation sites within York. In addition to the turning head, a footpath within the applicant's ownership is to be provided at the end of Mansfield Street and offered up for adoption. The turning area and footway works to the area will be covered by a highway agreement. Access for refuse vehicles will be as existing, where wagons reverse the length of Mansfield Street.

4.39 Vehicular access for construction is very restricted, being accessible by Mansfield Street only and at the end of a narrow street with limited turning for large vehicles. Highway Network Management therefore requires a method of works condition to mitigate the impact on the adjacent highway during construction.

SUSTAINABILITY (Building Design and Accessibility)

4.40 The application is supported by a sustainability statement which indicates that the building envelope will be a high performing construction. It is proposed that a condition be attached to require the building to achieve BREEAM 'very good' standard to accord with the requirements of the Council's Interim Planning Policy on Sustainable Design and Construction. The applicant has also considered the scheme against policy GP4a of the DCLP which seeks to ensure that development considers the principle of sustainability through a number of criteria including accessibility, social needs, employment opportunities, high quality design, consumption of materials and resources, minimising pollution, conserving natural areas and landscaping, maximising renewable sources, making provision for refuse and recycling. Officers are satisfied that based on the parameters of GP4a, and with appropriate conditions, that the site achieves the requirements of GP4a in an accessible urban location on previously developed land.

FLOOD RISK

4.41 The site is located within Flood Zone 3a. The existing use of the site is a 'less vulnerable' use according to the NPPF and the proposed use is a 'more vulnerable' use. The proposal would therefore be an increase in the flood risk vulnerability of the site. Paragraph 103 of the NPPF says that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can

be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

4.42 A comprehensive sequential test supports the application which has looked at a total of 73 sites and concluded that no other site in the geographical area is available for the development. The application details show that there is a demonstrable need for university accommodation within the city and the scheme passes the sequential test as there are no other available sites in more suitable locations.

4.43 The development would make effective use of previously developed land in a central location, there is still a need for student housing and there are benefits in terms of wider housing land supply. The building has been designed with an undercroft that allows water to pass through the structure during the event of a flood. The scheme could achieve local requirements in terms of sustainable design and construction.

4.44 The internal ground floor level would be at 10.96 AOD, which is 600 mm above the 1 in 100 year flood level. Although occupants of the building would be safe in the event of flood, they would not be able to exit the building via a 'dry at all times' route and so would potentially need to be rescued in the event of flood if they had not already left the site. This has given rise to the concern of the emergency planning officer. In order to be assured that the building would be safe for its lifetime and could provide safe access and escape (so minimising any potential requirement for rescue services deployment) a comprehensive flood evacuation plan has been sought, which would monitor potential flood events and ensure the building could be fully and safely evacuated before the site and surrounding area were inundated with flood water. The revised evacuation plan includes provision of:-

- two site wardens who will be in attendance on the site 24 hours a day, 7 days a week with flood warden duties including sweep clearance of the building once occupant had evacuated
- a flood evacuation mode for the fire alarm system,
- Environment Agency flood evacuation training for all residents and staff at the start of each academic year and for mid term occupants/ new staff
- Shuttle Transfer from the site to designated muster point in flood zone 1

With the revised evacuation plan in place, officers consider that the development satisfies the requirements of the exception test.

4.45 In accordance with York's Strategic Flood Risk Assessment surface water drainage from the site would be reduced, to 70% of the existing rate. This shall be achieved through site storage and a hydrobrake system, which would accommodate and restrict surface water run-off accordingly.

4.46 The Environment Agency is not objecting to the proposal subject to conditions in relation to the submitted flood risk assessment.

ARCHAEOLOGY

4.47 This site is situated immediately outside the Central Area of Archaeological Importance. It is located north-east of the King's Fishpool and south of Layerthorpe and the medieval bridge across the King's Fishpool. Archaeological deposits and features dating from the Roman-medieval period are known to survive in this area. Policy HE10 of the DCLP is relevant. The policy seeks to assess and preserve (at least 95% of) important archaeological remains.

4.48 A desk based assessment for this site was completed in March 2015. It recommends evaluation trenching due to the close proximity to the former medieval church of St Mary and the high probability of post-medieval and early modern archaeology on the site.

4.49 An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site. This work should ideally be carried out in advance of determining the application. However, city archaeologist is prepared to accept that this work can proceed after the application has been determined provided conditions are attached which require evaluation and excavation works.

5.0 CONCLUSION

5.1 The site is previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. Student housing can relieve the pressure on 'traditional' housing and provide a level of employment; The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic uses as such the general thrust of the NPPF is supportive of the development proposed.

5.2 Based on the evidence submitted and the comments of policy the loss of the employment site is supported.

5.3 DCLP policy ED10 (Student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development should be acceptable and the impact on the amenity of nearby residents should not be detrimental. Car parking must also be satisfactorily managed. In accordance with policy ED10 it is considered that the

applicant has shown that there is a need for the development. Furthermore it is considered that the site has an acceptable relationship to adjacent development and will not impact on residential amenity. Management of car parking would be conditioned. The application is considered to comply with the requirements of policy ED10.

5.4 Following receipt of the revised comprehensive evacuation plan the flood risk assessment and application is considered to pass the exceptions test in accordance with the requirements of the NPPF.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

DC2069–R1, LDS 2229/002C, 003 Rev D, 101 Rev D, 102 Rev D, 103 Rev C, 202 B, 203 /002D received 9th June 2016

LDS2229.004 received 7th July 2016

Flood evacuation plan received 3rd November 2016

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 No construction works shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the

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

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

5 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The information is sought prior to commencement because the site is located within an area identified as being of archaeological interest. The 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 in accordance with Section 12 of the National Planning Policy Framework

6 If, following the carrying out of the archaeological evaluation required by the above condition, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

7 Construction Management

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 and including car parking and material storage areas shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

INFORMATIVE:

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

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

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water dowers and spraying, location of stockpiles and position on site. Details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

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

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.

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

9 Prior to commencement of the development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical

environment) must be prepared and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

10 Prior to first occupation or use of any part of the development, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and approved 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.

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

12 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first occupation

(unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

13 No development shall take place until a detailed scheme of noise insulation measures for protecting the student accommodation from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The approved and installed noise insulation measures shall thereafter be maintained for the life time of the development.

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

Reason: Reason: To protect the amenity of students occupying the site from externally generated noise and in accordance with the National Planning Policy Framework.

14 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with

BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To safeguard the amenity of occupants of neighbouring premises

15 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.

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

Design considerations.

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

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test. If SuDs methods can be proven to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above. Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available. The applicant should provide a topographical survey

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

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

17 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of

surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be sati

18 One (1) electric vehicle charge point shall be provided prior to first use or occupation of any part of the development in a position to be first agreed in with the Local Planning Authority and it shall thereafter be maintained for the lifetime of the development. Electric vehicle recharge points should be in a prominent position on the site and should be for the exclusive use of zero emission vehicles.

Notes: Electric Vehicle Recharging Point means a weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

19 The development hereby approved shall accord with a Student Arrivals Traffic Management Plan. Prior to the first occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to manage student arrivals and departures on the adjacent public highway at term change-over times. The agreed Traffic Management Plan shall be implemented and adhered to in accordance with the approved details for the life time of the development unless alternative arrangements are first agreed in writing with the Local Planning Authority.

Reason: in the interests of highway safety and to ensure the free flow of traffic.

20 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking

areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

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

Reason: In the interests of highway safety.

22 The development shall not be occupied until the highway layout, as shown on the approved plans (including new footway and turning head shown on DWP drawing LDS2229.002C (subject to highways agreements)) have been completed.

Informative: These works are to be the subject of one or more Section 38 Agreement(s) or other highways agreement(s).

Reason: In the interests of highway safety

23 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

a) a dilapidation survey jointly undertaken with the local highway authority of the surrounding highway

b) details of access/ egress and turning within the site for contractors and other users of the area

c) the routing for construction traffic that will be promoted including a scheme for signing the promoted construction traffic routing.

d) where contractors will park

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users

24 Within 6 months of first occupation of the development a travel plan shall be submitted to the Local Planning Authority for approval in writing. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan. Within 12 months of occupation of the site a first year travel survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel

Note: The travel plan shall contain information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets, and delivery of further cycle parking if demand requires.

25 Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall be used only as student accommodation and for no other purpose. It shall only be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the city, and shall not be used for any other purpose.

Reason: For the avoidance of doubt and In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of planning gain (such as open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan. In addition the site is located within flood zone 3a and the sites use for other uses within Class C2 would need to set out appropriate emergency procedures in the event of flood.

26 The development shall be occupied and operated fully in accordance with the flood risk management measures detailed in the Flood Risk Assessment, and the revised Evacuation Plan Revision C dated 3rd November 2016. In addition finished floor levels shall be set no lower than 10.96 m above Ordnance Datum (AOD).

Reason: To mitigate against flood risk and in the interests of the safety of future occupants.

7.0 INFORMATIVES: Notes to Applicant

Informative note: Drainage

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

Notes:

- a. It is important that Yorkshire Water are consulted.
- b. No infiltration tests carried out to discount the use of soakaways therefore these should be carried out and proof submitted to us and Yorkshire Water.
- c. The details provided show only the 15 & 30 minute storm duration in a 1 in 100 year storm but with no allowance for climate change and not to the above criteria therefore the details should include these.

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

- Amended scheme submitted and re-consultation undertaken

Contact details:

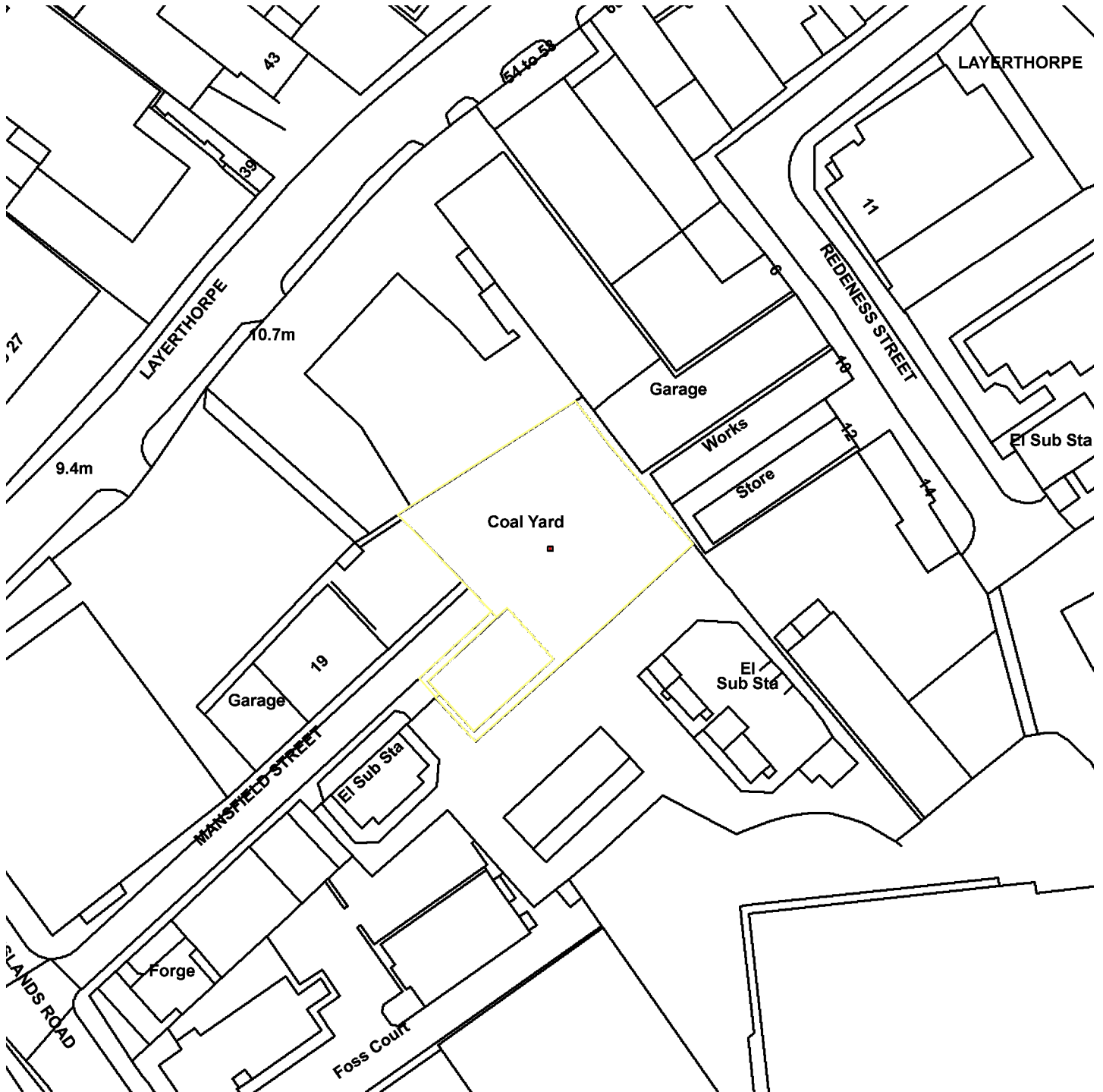
Author: Jonathan Carr, Head of Development Services and Regeneration

Tel No: 01904 551303

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15/01571/FULM

Coal Yard 11 Mansfield Street



Scale : 1:1024

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	08 November 2016
SLA Number	Not Set

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Planning Committee

17 November 2016

Area Planning Sub Committee

1 December 2016

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, the Government will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 The tables below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 July to 30 September 2016, Table 2 shows performance for the last 12 months 1 October 2015 to 30 September 2016.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/07/16 to 30/09/16 (Last Quarter)	01/07/15 to 30/09/15 (Corresponding Quarter)
Allowed	3	3
Part Allowed	1	-
Dismissed	9	8
Total Decided	13	11
% Allowed	23%	27%
% Part Allowed	8%	-

Table 2: CYC Planning Appeals 12 month Performance

	01/10/15 to 30/09/16 (Last 12 months)	01/10/14 to 30/09/15 (Corresponding 12 month period)
Allowed	4	14
Part Allowed	1	2
Dismissed	30	28
Total Decided	35	44
% Allowed	11%	32%
% Part Allowed	3%	5%

Analysis

- 4 Table 1 shows that between 1 July and 30 September 2016, a total of 13 appeals relating to CYC decisions were determined by the Planning Inspectorate. Of those, 3 were allowed and 1 part allowed. At 23% the rate of appeals allowed is below the national annual average of appeals allowed which is around 35%. By comparison, for the same period last year, out of 11 appeals 3 were allowed (27%), 0 were part allowed (0%). One of the appeals allowed between 1 July and 30 September 2016 related to a “major” application (Groves Chapel) however this appeal was made against the imposition of a condition of planning permission rather than a refusal of planning permission.
- 5 For the 12 months between 1 October 2015 and 30 September 2016, 11% of appeals decided were allowed, again well below the national average, and below the previous corresponding 12 month period of 32% allowed.
- 6 The summaries of appeals determined between 1 July and 30 September 2016 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was determined following a decision at sub-committee. This appeal was

against the decision of the sub-committee to impose a condition restricting the permitted hours of deliveries to the proposed convenience store. The appeal was allowed with the Inspector granting a new planning permission with a condition imposing longer hours than those originally imposed by the sub-committee.

Table 3: Appeals Decided 01/07/2016 to 30/09/2016 following Decision by Sub-Committee

Ref No	Site	Proposal	Outcome	Officer Recom.
15/02833/FULM	Groves Chapel, Union Terrace	Change of use and extensions to form convenience store and 16 flats	Allowed	Approve

- 7 The list of current appeals is attached at Annex B. There are 12 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 8 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 16 That Members note the content of this report.

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

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 7 November
2016

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 July and 30 September 2016

Annex B – Outstanding Appeals at 7 November 2016

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Appeal Summaries for Cases Determined 01/07/2016 to 30/09/2016

Application No: 15/01531/FUL
Appeal by: Mr Harley Knight
Proposal: Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)
Address: 13 Ingleton Walk York YO31 0PU

Decision Level: DEL

Outcome: DISMIS

Current Street Level - 10% HMO's - Neighbourhood Level - 10.91% HMO's
The Planning Inspector considered that although he could only give 'very limited weight' to the SPD (Given there is no adopted Local Plan) it would still be a material consideration. The Inspector noted that Ingleton Walk is a quiet residential cul-de-sac, with no passing traffic, little 'on street' activity and that the predominant character is that of single family dwellings. He recognised that the cumulative effect of increased 'comings and goings' would result in a noticeable change in the character of the quiet cul-de-sac and would therefore have a materially harmful effect on the character of the immediate area.

Application No: 15/01853/FUL
Appeal by: Mr Ian McManaman
Proposal: Extension to roof to create 1no. apartment
Address: Coalters Ltd 2 Low Ousegate York YO1 9QU

Decision Level: DEL

Outcome: DISMIS

The application was to add a top floor to the mid C20 office block on Low Ousegate which overlooks the River Ouse. Redundant structures on the roof would be replaced by an extra floor of a far larger foot-print than the structures to be replaced. Historic England were in principle ok with the application and raised no objection to the scheme. The building is stone clad and with a horizontal emphasis. Surrounding older, and mostly listed, buildings are consistently of brick with pitched roof and have a strong vertical emphasis. The host building is slightly higher than its neighbours currently. The inspector decided the extra storey proposed would "substantially increase the height difference". The inspector referred to the Central Historic Core Conservation Area and the management strategy within it, notably in reference to scale and skyline. The building is identified as a detractor in the conservation area appraisal (due to its form, materials, prominence). Although the extension proposed would be harmonious with the building itself, the host building would subsequently become more prominent, in "stark" contrast to the surrounding skyline. It was agreed the extension would harm the conservation area. The harm was regarded to be less than substantial. In establishing the weight to give this harm in assessment of the application, the inspector referred to the requirements of the act (section 72) and para 132 of the NPPF. The benefit of providing 1 extra dwelling was regarded to be extremely modest, which could be given very limited weight.

Application No: 15/02064/FUL
Appeal by: Mrs Alifnoor Iqbal
Proposal: Change of use of dwellinghouse (use class C3) to a house in multiple occupation (use class C4)
Address: 46 Heslington Road York YO10 5AU

Decision Level: DEL

Outcome: ALLOW

The property is a large terraced house over three floors and is located on a busy road into the city centre. It has a small garden frontage and a small rear yard. Two wide gates access the rear ginnel. Existing density levels of 37.7 percent at street and 23.3 percent at neighbourhood both exceed policy thresholds. The Inspector attached only moderate weight to the Local Plan and SPD. The Inspector considered the backyard provided only minimal private external amenity space and would not be suited to family occupation, or a starter home. The majority of houses on the road were not HMO's so there would still be enough activity and natural surveillance out of term time. The Inspector considered that as a large family house or HMO, the potential for noise exists. He stated that no existence of noise complaints along the road associated with HMO's had been provided. The Inspector did not see any problems with littering and refuse in the area. He argued that the Council's view that the neighbourhood was already imbalanced given the figures was not backed up by his own observations which showed no evidence that the community is not inclusive and mixed.

Application No: 15/02396/FUL
Appeal by: Mr Stephen Oliver
Proposal: Two storey side and rear extensions, single storey rear extensions and dormer to rear
Address: 34 Broadway West York YO10 4JJ

Decision Level: DEL

Outcome: DISMIS

The appeal site is a semi-detached dwelling situated on the junction of Broadway West and Danesmead Close. The property has a detached garage positioned on the side driveway. Permission was sought for the construction of a two storey side extension, which would extend beyond the rear building line by approx 3.3 metres at first floor height. The proposal included a side and rear extension to the existing detached garage to create a link to the main house for the purpose of converting into habitable living space. The extension would then extend at full height of the existing garage to include a dormer style window in the existing roof space for first floor accommodation. A small porch was proposed to the front of the property. The application was refused on two grounds relating to the size of the proposed side extension and impact on a Cherry Tree located on the public grass verge. It was considered that the massing of the two storey side would represent an unduly large and prominent addition to the house resulting in an incongruous development which would dominate the existing house and unbalance its appearance, causing harm to both the house and the wider street scene. The resultant width of the extension would impact on the health of a Cherry Tree situated outside the site on the public highway. The Landscape Architect considered that it would be worthy of a TPO. The Inspector agreed with The Council and dismissed the appeal on the grounds that the increase of the extension to the side would erode the spacious quality of the area. However, he did not consider the loss of the tree would be unacceptable, and considered that there would remain a significant number of trees in the public domain.

Application No: 15/02505/FUL
Appeal by: Mandale Homes Ltd
Proposal: Variation of condition 2 of permitted application 13/00034/FUL to alter approved plans to add a single storey side extension to plot 1
Address: Manor Farm Towthorpe Road York YO32 9SP

Decision Level: DEL

Outcome: DISMIS

Planning permission had been granted for the conversion of redundant agricultural buildings to three dwellings. Planning permission was then sought under s.73 to replace the approved plans in order to erect a single-storey pitch-roofed side extension to one of the approved dwellings. Consent was refused due to impact on the Green Belt and on Towthorpe Conservation Area. The inspector found that whilst the extension would only be 30 per cent greater than the existing building it would be 63 per cent larger than the original building due to extensions allowed under the planning permission to convert. As a result he proposal was a disproportion addition and therefore inappropriate development in the Green Belt. It would also have some impact on openness. As for impact on the conservation area the inspector found that the extension would read as a well-proportioned and subservient addition to the main building and although the building would be larger, it would not be inherently harmful. The appeal was dismissed.

Application No: 15/02637/FUL
Appeal by: Sullivan Student Properties Ltd
Proposal: Change of use from dwelling (use class C3) to House of Multiple Occupation (use class C4)
Address: 105 Newland Park Drive York YO10 3HR

Decision Level: DEL

Outcome: DISMIS

The appeal related to the retrospective change of use from a dwelling to a House in Multiple Occupation (HMO). The inspector dismissed the appeal. He made reference to the National Planning Policy Framework and HMO Concentrations Supplementary Planning Document. He considered that the quiet nature of the street was such that approving a HMO, when the threshold figures had already been significantly breached, would detract unduly from the streets character and neighbours amenity.

Application No: 15/02833/FULM
Appeal by: Clarence Union Developments
Proposal: Change of use of existing building with internal and external alterations to form convenience store at ground floor, 2no. flats at first floor and erection of four storey extension to rear to accommodate 14no. flats with associated car and cycle parking
Address: Groves Chapel Union Terrace York YO31 7WS

Decision Level: COMM
Outcome: ALLOW

The appeal was against condition 6 of the approved planning permission for a supermarket and 16 flats at Groves chapel. Condition 6 restricted delivery times to 6pm Monday to Saturday. The applicant had sought to undertake deliveries up until 11pm. The appeal was allowed, but with delivery times restricted to 8.30pm. In allowing the appeal the Inspector made reference to the noise assessment indicating the existence of relatively high background noise levels up until 9pm. He felt that a 8.30pm delivery restriction was a reasonable compromise in regard to giving greater flexibility in the operation of the store whilst also having consideration to neighbours expectations for quiet later in the evening.

Application No: 16/00224/FUL
Appeal by: Mr Ashleigh Walters
Proposal: Change of use from dwelling (use class C3) to House of Multiple Occupation (use class C4)
Address: 6 Lamel Street York YO10 3LL

Decision Level: DEL
Outcome: DISMIS

Density Levels - Street Level - 54.17% - Neighbourhood Level 32.28% - The application property is a mid-terrace, with no vehicular access from Hull Road. The Inspector considered the appeal property to be 'distinctly residential in character' whilst noting the existence of a supermarket and other commercial business on the opposite side of the road. He was not convinced by the the argument that the properties on either side are currently HMO's, that it would be thus unattractive for non-HMO occupiers and could remain un-occupied.

Application No: 16/00255/FUL
Appeal by: Mr Paul Kind
Proposal: Two storey side extension
Address: 12 Wheatlands Grove York YO26 5NG

Decision Level: DEL

Outcome: ALLOW

The host site forms part of a pair of two-storey semi-detached dwellings, sited on a corner plot. Planning permission was sought for the erection of a two-storey side extension, flush with the rear elevation of the original dwelling. The host dwelling is sited at right angles with the neighbouring dwelling at No. 10 Wheatlands Road. This neighbouring dwelling has a small triangular shaped rear garden, and the application was refused on the grounds of increased overshadowing to this rear garden area. The inspector agreed that this rear garden would suffer additional overshadowing but not so great so as to be detrimental to the enjoyment of this neighbouring garden.

Application No: 16/00277/FUL
Appeal by: Mr Michael Cox
Proposal: Dormer to front
Address: 16 Silverdale Court York YO24 2SL

Decision Level: DEL

Outcome: DISMIS

The appeal site relates to a semi-detached bungalow situated in a small cul-de-sac of similar bungalows in Woodthorpe. Permission was sought for a large flat roof front dormer clad in white uPVC to match a similarly sized rear dormer. The dormer would occupy a large proportion of the roof slope, extending to the height of the ridge, with no other front dormers being evident in Silverdale Court or in neighbouring streets. Given the simple, unaltered character of the roofscape in the street it was considered that the design, scale, location and materials of the dormer would result in a dominant, prominent and incongruous feature which would detract from the otherwise simple and unspoilt appearance of the dwelling, neighbouring dwellings and the wider streetscene. In determining the appeal the inspector noted that the dormer would form an unacceptably dominant and prominent feature in the roof slope, although the materials would not cause demonstrable harm to the character of the area given that uPVC is predominantly used in most of the fenestration elements of properties around the cul-de-sac. Additionally the scale and mass of the dormer would appear as an incongruous and bulky addition to the front of the property. The appeal was dismissed.

Application No: 16/00303/FUL
Appeal by: Mr Jason Knight
Proposal: Erection of detached garage and conversion of existing garage into habitable room
Address: 1 Hardwicke Close York YO26 5FB

Decision Level: DEL

Outcome: PAD

Planning permission was sought for the conversion of the integral garage to habitable accommodation and the construction of a detached garage to the front of the property to include additional hardstanding, the erection of a 1.8m high boundary fence and creation of bin store area. The property is a new build detached dwelling situated towards the entrance to the site, fronting onto a small Green/LEAP area within a new development of 57 houses situated off Boroughbridge Road. The application was refused due to the visual impact on the open setting of the development as it was considered that the location and forward projection of the proposed garage would have been such that it would have appeared visually prominent and incongruous within the setting at the entrance to the development. The inspector allowed the conversion of the integral garage, which could be carried out under permitted development allowances but dismissed the construction of a new garage with associated hardstanding and fencing. It was concluded that this element of the proposal would significantly erode the sense of openness, constituting disruptive and uncharacteristic intrusions into a largely undeveloped space, causing significant harm to the character and appearance of the area. The appeal was therefore part allowed/part dismissed.

Application No: 16/00436/FUL
Appeal by: Mr A Sullivan
Proposal: Change of use from small House in Multiple Occupation (use Class C4) to large House in Multiple Occupation (Sui Generis) and two storey side and single storey side and rear extension with dormer to side
Address: 32 Hull Road York YO10 3LP

Decision Level: DEL

Outcome: DISMIS

Planning permission was sought for change of use from small House in Multiple Occupation (use Class C4) to large House in Multiple Occupation (Sui Generis) and erection of a two storey side and a single storey side extension together with a rear extension with dormer to side. Consent was refused on the grounds that due to their massing, scale and location the proposed extensions would not be subservient and would have an unduly dominant and overbearing impact on their surroundings and the proposed single storey rear extension would have an adverse impact on the amenity of the occupants of the adjoining property no.34 Hull Road. The Inspector found that the angular design of the dormer would appear as an awkward and incongruous feature, increasing the bulk of the two storey extension at its most prominent point and significantly detracting from the subservient nature of the extension. The single storey side extension would significantly increase the bulk and massing of the extensions when viewed from the front of the property from Hull Road, further detracting from their subservience to the host dwelling. The extensions to the side of the property, when combined with the single storey extension to the rear, would increase the bulk of the proposal in views from Green Dykes Lane and the nearby junction. He concluded that the proposal would harm the character and appearance of the area. He considered that the single storey extension to the rear would present a significant area of the flank wall in close proximity to the boundary of no.34 and give rise to a significant overbearing effect and a sense of enclosure for the occupiers of this adjoining dwelling. He advised that he had given regard to the benefits arising from the proposal, including the provision of an HMO which could provide accommodation for students in a sustainable and convenient location and support to local services but these did not overcome the identified harm. The appeal was dismissed.

Application No: 16/00489/FUL
Appeal by: Ms Angela Smith
Proposal: Two storey rear extension (re-submission)
Address: 9 Prestwick Court York YO26 5RS

Decision Level: DEL

Outcome: DISMIS

The host dwelling forms one of a pair of modest two-storey semi-detached dwellings. The application sought permission for a pitched roof two-storey rear extension, across the full width of the rear elevation, and being sited along the common side boundary with the attached neighbouring dwelling at No. 7 Prestwick Court. Due to the location of the extension, along with the height to the eaves of approx. 5m, officers considered that it would seriously harm the outlook and light to the neighbouring kitchen diner. The Inspector agreed and also considered that the enjoyment of the neighbouring garden would also be affected due to the dominant and rather oppressive feature caused by the mass of plain brickwork proposed.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

Outstanding appeals

Officer: David Johnson						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
11/10/2016	16/00032/REF	APP/C2741/D/16/3156055	H	228 Bishopthorpe Road York YO23 1LG	Erection of part two/part single storey side/rear extension following demolition of existing garage and outbuildings		
Officer: Erik Matthews						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
01/06/2016	16/00024/REF	APP/C2741/S/16/3153524	I	187 Tadcaster Road Dringhouses York YO24	Application under Section 106BA of the Town and Country Planning Act 1990 to discharge the affordable housing requirements set out Section 106 agreement dated 6th October 2003 (as varied) relating to the outline application 02/02754/OUT approve on 6th October 2003 and reserved matters 04/03577/REM approved on 11th November 2005		
07/10/2016	16/00029/REF	APP/C2741/W/16/3158459	W	Land At Grid Reference 469030 444830 Church	Erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link, and the incorporation of a habitat enhancement plan (resubmission)		
Officer: Esther Priestley						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
27/11/2015	15/00041/REF	APP/TPO/C2741/4900	H	1 Beaufort Close York YO10 3LS	Various tree works including the felling of 4 no. trees protected by Tree Preservation Order No. CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		
Officer: Elizabeth Potter						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
19/08/2016	16/00034/REF	APP/C2741/D/16/3156906	H	102 Millfield Lane York YO10 3AL	Two storey side extension (revised scheme)		

Officer: Hannah Blackburn						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
02/09/2016	16/00026/REF	APP/C2741/W/16/3153863	W	Cockey Hill Farm Wheldrake Lane Cockey	Siting of 6no. holiday lodges, car park and wildlife pond together with landscaping works following change of use of agricultural land (resubmission)	
Officer: Kevin O'Connell						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
11/08/2016	16/00030/REF	APP/C2741/W/16/3156389	W	22 Copmanthorpe Lane Bishophorpe York YO23	Erection of 1no. dwelling to rear of 22 Copmanthorpe Lane	
26/09/2014	14/00036/EN	APP/C2741/C/14/2225236	P	Land At OS Field No 9122 Holtby Lane Holtby York	Appeal against Enforcement Notice dated 31 July 2014	
29/04/2016	16/00013/REF	APP/C2741/W/16/3149489	P	Land To The North Of Avon Drive Huntington York	Erection of 109no. dwellings	
Officer: Matthew Parkinson						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
Officer: Richard Ball						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
09/08/2016	16/00033/REF	APP/C2741/D/16/3156155	H	37 Usher Lane Haxby York YO32 3LA	Two storey rear extension and enlarged rear dormers	
Officer: Sharon Jackson						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/09/2016	16/00028/NON	APP/C2741/W/16/3155977	W	5 Water Lane Dunnington York YO19 5NW	Two storey side and rear extension and single storey front and rear extensions	
11/10/2016	16/00031/REF	APP/C2741/D/16/3155407	H	33 Woodlands Grove York YO31 1DS	Two storey side and single storey rear extension and bin and cycle store to front (revised scheme)	
Total number of appeals: 15						