



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Warters and Pavlovic
- Date:** Thursday, 14 September 2017
- 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 12 September 2017.**

1. **Declarations of Interest**

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

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

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

2. **Minutes** (Pages 3 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee, held on 17 August 2017.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Wednesday 13 September 2017**. 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>.

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

4. Plans List

This item invites Members to determine the following planning applications:

a) Former British Sugar site, Plantation Drive, York (14/02798/FULM)
(Pages 13 - 38)

Construction of development platform, engineering works and remediation and reclamation of site. [Acomb Ward] [Site Visit]

b) Aviva Yorkshire House, 2 Rougier Street, York (17/01228/FULM)
(Pages 39 - 82)

Change of use of offices (use class B1) to 150no. bed hotel (use class C1) with associated restaurant, bars and gym. Erection of single storey extension and new roof storey. [Micklegate Ward]

**c) Galloway House, Lysander Close, Clifton Moor, York
(17/00886/FULM) (Pages 83 - 96)**

Erection of motor dealership providing sales and servicing, repair, MOT facilities, wash and valet, vehicle preparation and external car displays. [Rawcliffe and Clifton Without Ward] [Site Visit]

**d) Land Adjacent Hopgrove Roundabout, Beechwood, Hopgrove
(17/00954/OUTM) (Pages 97 - 108)**

Outline planning application with all matters reserved for erection of petrol filling station, restaurant and 50-bedroom hotel with associated access, car parking and landscaping (resubmission). [Huntington/New Earswick Ward] [Site Visit]

5. Urgent Business

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

Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting by email, please send to both Democracy Officers named above).

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

PLANNING COMMITTEE**SITE VISITS****Tuesday 12 September 2017**

TIME (Approx)	SITE	ITEM
10:00	Minibus leaves Memorial Gardens	
10:15	Former British Sugar Site, Plantation Drive	4a
11:05	Galloway House, Lysander Close, Clifton Moor	4c
11:35	Beechwood, Hopgrove	4d

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	17 August 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, D'Agorne, Dew, Funnell, Galvin, Looker, Richardson, Shepherd, Warters, Pavlovic, Orrell (Substitute for Councillor Cuthbertson), Mason (Substitute for Councillor Cullwick) and Mercer (Substitute for Councillor Doughty)
Apologies	Councillors Cullwick, Cuthbertson and Doughty

24. Site Visits

Application	Reason	In attendance
The Old School Business Centre, Low Poppleton Lane	As the recommendation was for approval and objections had been received.	Councillors Cullwick, Dew Galvin, Mercer, Reid, Richardson and Shepherd
Land adjacent to Sewage Works at Hessay Industrial Estate, New Road, Hessay	As the recommendation was for approval and objections had been received.	Councillors Cullwick, Dew Galvin, Mercer, Reid, Richardson and Shepherd
Home Lea, Elvington Lane, Elvington	As the recommendation was for approval and objections had been received.	Councillors Cullwick, Dew Galvin, Mercer, Reid, Richardson and Shepherd

25. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. None were declared.

26. Minutes

Resolved: That the minutes of the last meeting held on 12 July be approved and then signed by the Chair as a correct record.

27. Public Participation

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

28. Plans List

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

28a Land Adjacent to Sewage Works at Hessay Industrial Estate, New Road, Hessay, York (17/00670/FUL)

Members considered a full application by Tynedale Roadstone for the erection of an asphalt plant with associated infrastructure.

Officers gave an update to state that since the report had been prepared, further advice has been received from Highway Network Management that the extent and location of the highway boundary at the junction of New Lane with the A59 was at present unclear which called into question the deliverability of the tabled scheme of off-site highway works at the junction. At the same time a "pre-action" letter had been received from Rollits Solicitors acting on behalf of a body of individuals objecting to the proposal raising detailed issues in terms of highway and planning matters which required further investigation prior to a decision being made.

Therefore, Officers were not in a position make a recommendation on the application, and considered that to determine the application at this stage without the appropriate information and advice would leave the Authority vulnerable to challenge.

It was therefore recommended that the application be deferred pending clarification and resolution of the above matters, for consideration at a future meeting.

Resolved: Deferred as updated recommendation. Clarify extend to highway at New Lane/A59 uncton. Assess comments in pre-action letter and address in updated report.

Reason: To allow for clarification and resolution of the above matters, for consideration at a future meeting.

**29. Home Lea, Elvington Lane, Elvington YO41 4AX
(17/00712/FUL)**

Members considered a full application by Mr S Thomas for the conversion of a facilities building to a dwelling (use class C3).

Officers gave an update which was attached to the online agenda following the meeting. It included amendments to Condition 3 which related to the occupancy condition.

Shanshen Chen, agent for the applicant, spoke to explain that this conversion to a single dwelling constituted very special circumstances as there was a need to have a managerial presence on site at all times. She also highlighted that there would be no external expansion and therefore no impact on the green belt.

Members considered that this was an acceptable proposal.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the amended condition 3.

Reason: The building subject to the application for its conversion is physically well related to the existing strip of dwelling houses and their curtilages dating to the 1930s directly to the west. It would not extend the built footprint of the site beyond the existing and it would not give rise to any harm to the Green Belt. In terms of paragraph 55 of the NPPF it is felt on balance that in view of the nature of the occupation of the site that a permanent managerial presence on the site is a requirement that may not be easily provided either by accommodation in the near

vicinity or by another caravan. The proposal was therefore felt to be acceptable.

**29a Holly Tree Farm, Murton Way, York, YO19 5UN
(17/01671/FUL)**

Members considered a full application by Mr Peter Mandy for the construction of a realigned and widened access road and bridge to serve approved log cabins and a fishing lake adjacent to the property.

There was no Officer update for this item.

Mark Stothard, agent for the applicant, spoke to clarify a previous misunderstanding over the size of the bridge and to explain how the application addressed previous concerns by reducing the width of the access road and the use of brick slips on the bridge.

Members felt that with the above amendments this was an acceptable application.

Resolved: That the application be approved subject to the conditions listed in the Officer's report

Reason: The scheme as resubmitted successfully addressed the earlier concerns that led to the previous application being refused, in terms of impact upon the openness of the Green Belt and is appropriate development in terms of Green Belt policy. At the same time the revised proposals would address the earlier concerns in respect of harm to landscape character and visual amenity and are therefore acceptable in planning terms.

29b Hudson House, Toft Green, York, YO1 6JT (17/00576/FULM)

Members considered a major full application by Palace Capital (Developments) Ltd for the erection of 4 buildings comprising 127 flats (C3), office (B1) use and office or restaurant (B1 or A3) uses following the demolition of the existing office building.

Officers gave a verbal update, which included a correction to condition 2 and details of a consultation response from Historic England. They also circulated a letter from Historic England and

a written response to this letter from the applicants, which were attached to the online agenda following the meeting.

Neil Sinclair, the applicant, spoke to explain that although they already had planning approval to convert Hudson House it was felt it would be more efficient to demolish and rebuild. They stated that there had been positive feedback from residents and that high quality office space would help to drive inward investment.

In response to Member questions he stated:

- That, if they were to offer both quality office space and affordable housing, the scheme would become unviable.
- They aimed for a BREEAM rating of 'very good'.
- The detailed scheme showed an open route for public access but they would be happy to accept a condition on this if Members were minded to do so.
- In respect of the line of the train tracks that once crossed the site, the proposal had a similar layout to the current building and would have very little impact on these views.

During debate some Members raised the following points:

- There were great benefits derived from retaining public access to Toft Green.
- High quality office space would help to drive better paid jobs which the city needed, and there was an understanding that the scheme would not be viable if it were to offer both office space and affordable housing.
- Some Members felt that there was an argument for retaining the whole development as Grade A office space as it was an opportunity to prove there was a real demand for this type of space in the city.

Resolved: That the application be approved as per the conditions in the Officer's report (with the plans condition updated to refer to the last amendments), and with an additional condition relating to managed public access through the site.

Reason:

- i. The revised scheme would not harm on heritage assets. Where the proposed building is close to the Grade I listed City Walls due to the design of

the scheme, and its massing and footprint, there would not be harm to the setting of the City Walls, and the extra massing on the Toft Green side would not harm the townscape and there are benefits to the character and appearance of the conservation area – enhanced connectivity and landscaping, provision of a mix of uses that would enhance viability, and built form of reasonable quality and sympathetic materials.

- ii. The absence of a five year housing land supply as required by the NPPF triggers the presumption in favour of sustainable development and the second part of paragraph 14 of the NPPF. This states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- iii. The proposals are acceptable in principle and conditions can be applied to ensure there would be no undue harm with regards amenity, impact on the highway network, ecology and flood risk.

30. The Old School Business Centre, Low Poppleton, Lane, York, YO26 6AZ (17/01072/FUL)

Members considered a major full application by British Sugar for the construction of 2 access roads onto Boroughbridge Road and Millfield Lane and a link road across the former Manor School Site in association with the redevelopment of the former British Sugar site, with associated demolition of former school buildings.

Officers gave an update, which was attached to the online agenda following the meeting, amending several of the proposed conditions and giving an update on the Upper and Nether Poppleton Neighbourhood Plan. There was also an updated recommendation asking that this decision be delegated to Officers following mitigation with respect to bats present.

David Nunns, a local resident, spoke in objection to the proposal. He stated that development of the British Sugar site was not a given and that public consultation was still underway. He went on to state the importance of retaining open space in the area for public use.

Neil Jones, agent for the applicant, explained the commitment to the regeneration of this site and the provision of much needed new family homes. He also stated that he felt the objections raised by the previous speaker had been addressed within the report.

In response to Member questions Officers stated:

- The design of the carriageway was entirely appropriate for the area in terms of design and road safety/speed.
- This was CYC owned land and any loss of public open space had to be re provided for.

Members felt that it was important to remember that this was only an application for an access route, not the whole site and that a good access route was vital for redevelopment and showing a commitment to moving the site forward.

Resolved: That Officers be given delegated authority to approve as per the amended recommendations, once bat mitigation issues are resolved. Officers are to amend condition 6 accordingly.

Reason: The scheme will facilitate a necessary access through the Former Manor School site which will assist in facilitating re-use of a large brownfield site in the urban area. As such the proposals accord with the NPPF core principles - to proactively drive and support sustainable economic development to deliver needed homes and encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. The road, considered in isolation would have no undue harmful impact on highway safety or amenity.

30a Rufforth Playing Fields, Wetherby Road, Rufforth, York (16/02303/FUL)

Members considered a full application by Mr Edward David Preston for the change of use of land to a caravan and camping site.

Officers gave an update, which was attached to the online agenda following the meeting. This included a recommendation that conditions 6-8 be replaced with eight new conditions (6-13).

In response to Member questions Officers clarified that this scheme would provide a source of income to help develop sports on the site.

Members felt that this was a low intensity proposal and that reinvestment of income generated into sports facilities was positive for the area.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the replacement of conditions 6-8 with new conditions 6-13 as per the Officer update.

Reason: It was felt that the proposal by its low key nature would not of itself give rise to harm to the purposes of designation of the Green Belt and would not give rise to material harm to the character of the landscape. The applicant submitted detailed information to indicate that the money generated by the caravan rallies and the low intensity touring caravan use is invested back into the on-going improvement of the sport facilities at the site with the consequence that the village has a higher level of provision than would otherwise be the case with local clubs and individuals competing at a high level in sports as varied as cricket and tennis. It was felt that, having attached substantial weight to the harm to the Green Belt, these considerations are sufficient to clearly outweigh the harm by reason of inappropriateness and the other identified harm generated by the development and that "very special circumstances" exist to justify the grant of planning permission.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.10 pm].

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COMMITTEE REPORT

Date: 14.9.2017
Team: Major and Commercial Team
Ward: Acomb
Parish: No Parish

Reference: 14/02798/FULM
Application at: British Sugar Corporation Ltd Plantation Drive York YO26 6XF
For: Construction of development platform, engineering works and remediation and reclamation of site
By: British Sugar
Application Type: Major Full Application (13 weeks)
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to the British Sugar site which is located to the north of Boroughbridge Road, between Ouseacres and Millfield Lane. The site area for this application is 37.94ha.

1.2 The site is bound by the railway line to the north-east, houses, the former Manor School and its playing fields and industrial sites, the latter situated on Millfield Lane and at Pyramid Court (off Ouseacres).

1.3 During the C20 the site was used for sugar beet processing. The factory opened in 1926 and extended in the 1950's. It closed in 2007; redundant buildings have been demolished and the site largely cleared. Features that remain on the BS Site consist of soil settlement and wastewater treatment lagoons, a sports field and bunds. Access points into the site were from Millfield Lane and Plantation Drive.

1.4 The operations which formed part of the refinery resulted in significant changes in levels across the BS Site. The existing topography comprises a higher northern part containing a series of former soil settlement and wastewater treatment and storage ponds / lagoons, enclosed by earth embankments; and a lower-lying southern part which accommodated the refinery buildings, product storage tanks and another wastewater treatment facility. Other earth embankments which were used to store and retain LimeX, a calcium carbonate product of the refining process, and for screening the factory from neighbouring residential property, also remain.

1.5 The northern part of the site is subject to an Environmental Permit held by British Sugar and regulated by the Environment Agency (EA). This area is in a state of Definitive Closure, and its condition has been monitored annually since 2009. Monitoring of groundwater quality and ground gas in soils has also been carried out

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as part of this. Definitive Closure is a term used by the Environment Agency to describe a permitted facility that has ceased receiving waste and/or has ceased operating the process which the EA has permitted, is in a managed stable state and is being managed by the relevant operator in such a manner that the Environment Agency considers that it requires reduced ongoing regulatory management.

PROPOSALS

1.6 The application is to undertake the remediation and reclamation strategy (February 2015 version) and the re-profiling of the site to make it suitable for re-development. Ground levels are detailed on the provided contours plans. The scheme includes a bund and noise barrier around the Tangerine Factory. As part of the re-profiling vegetation will be removed, in particular by Millfield Lane and where the bund at the rear of Plantation Drive is being reduced. Trees which are to remain and would be protected during the works are shown in the Arboricultural Report, August 2017 version. Replacement planting and landscaping is proposed around the Tangerine factory. There would be further landscaping in future which would be secured through the outline application for residential development.

RELEVANT PLANNING HISTORY

Application 13/03048/EIASP

1.7 Prior to the submission of this application, an Environmental Impact Assessment (EIA) scoping opinion for proposed residential-led development of the Site was submitted to the Council in September 2013. The scoping opinion was issued by the City Council on 18th October 2013. It confirmed that an EIA was required as the development would have significant environmental effects, in particular considering the proposed residential population, traffic generation and land contamination. An Environmental Statement has been submitted in support of this application.

14/02789/OUTM

1.8 Submitted at the same time as this application was an outline application for residential development; up to 1,100 dwellings, and ancillary uses (community hub, pre-school, primary school and open space) on the British Sugar site. The vehicular access points and alignment of the main road (including through the former Manor School site) are detailed in this application.

17/01072/FUL

1.9 An application for only the access roads into the British Sugar site, which included associated demolition of the former Manor School buildings, was considered by members at planning committee on 17 August. Members resolved that the application will be approved when there is a suitable condition to secure mitigation for the loss of bat habitat within the former Manor School buildings. A bat survey was undertaken for the Council in July 2017, however the report is still to be issued and therefore this permission is yet to be granted.

15/00523/FULM and 15/00524/OUTM

1.10 These are duplicate applications of this application and 14/02789/OUTM submitted March 2015. The applicants appealed to the Planning Inspectorate against non-determination of these applications in June 2017. The applicants lodged these appeals because to satisfy the option agreement they have with the council, they require a planning permission (free of challenge) for the access though the former Manor School Site.

1.11 Should members decide to approve this application then the appeal against 15/00523/FULM would effectively become redundant. Officers are still in negotiation with the applicants over the outline application, specifically around the design parameters and principles for the development, the legal agreement and viability. To determine this application would not prejudice decision making of the current outline application or any future applications to re-develop the site.

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework that the application proposal should principally be addressed.

NPPF

2.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations, flood risk areas, site protected under the Birds and Habitats directive and Sites of special scientific interest).

2.3 Most relevant sections of the NPPF to this application are as follows:

1. Building a strong, competitive economy
7. Requiring good design
11. Conserving and enhancing the natural environment

“Development Control Local Plan” 2005 (DCLP)

2.4 Although there is no formally adopted local plan, the “City of York Draft Local
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Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

2.5 Policies considered to be compatible with the aims of the NPPF and most relevant to the development include:

SP3	Safeguarding the Historic Character and Setting of York
SP6	Location Strategy
GP1	Design
GP6	Contaminated Land
GP9	Landscaping
NE1	Trees, Woodlands and Hedgerows
CYNE6	Species protected by law
CYNE7	Habitat protection and creation

Emerging Local Plan

2.6 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded limited 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.

2.7 The main draft policies that are relevant to matters raised by this application are:

H1	Housing Allocations
D1	Landscape and Setting

2.8 The British Sugar site is allocated for housing in the plan, being referred to as a strategic housing site - ST1.

Upper and Nether Poppleton Neighbourhood Plan

2.9 The draft Upper and Nether Poppleton Neighbourhood Plan is in the process of proceeding to adoption following a referendum vote in favour of the plan which took place on 23 August 2017. The Neighbourhood Planning Act 2017 provides that a local planning authority must have regard to a post-examination (draft) neighbourhood plan as a material consideration in the determination of planning applications so far as that plan is material to the application. Once the

neighbourhood plan is formally brought into legal force by the Council, it will form part of the development plan.

2.10 The north part of the application site is within the Neighbourhood Plan. Policy PNP 6 D within the plan allocates the British Sugar site for residential use.

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Officers provided an initial response in February 2015. Conditions were recommended to deal with the following matters -

- Restricted times of working and movements of heavy goods vehicles during construction
- A construction management plan (CEMP) to be approved

3.2 Officers approved the applicants CEMP (version 1.0) May 2016. The CEMP has since been updated (version 1.1 June 2017) adding drawings to the appendix.

3.3 The Contaminated Land officer is satisfied that works could proceed provided the Remediation and Reclamation Strategy (dated February 2015) is implemented and a Verification Report, demonstrating the effectiveness of the remediation, be approved in writing by the Local Planning Authority. In addition any unexpected contamination encountered would need to be reported to the Council.

3.4 Elevated levels of ground gas, ammonia, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, asbestos and heavy metals have all been detected at the site. This contamination originates from a layer of made ground (up to 13 metres thick) present across the surface of the site.

3.5 The Environmental Statement and the Remediation and Reclamation Strategy propose that all of the made ground will be excavated, sorted, treated (as necessary) and reused onsite. Bioremediation will be used to treat material containing high levels of contaminants, high levels of organic matter (i.e. more than 3% total organic carbon) or hydrocarbon/chemical odours.

3.6 Once contaminant levels fall below the remedial target values (RTVs), the material will be re-laid and stabilised to create a development platform. In addition, a one metre thick clean cover layer, to be sourced from appropriate onsite materials, is recommended for areas which would become gardens and areas of soft landscaping.

3.7 Gas monitoring of the original monitoring wells will be undertaken before and during the remediation works. New monitoring wells will be installed after the works, as the original wells will have been destroyed by the works, and a minimum of 12 months post remediation monitoring will be carried out prior to commencement of construction.

3.8 The strategy states that 'the objective of the remediation and reclamation works will be to reduce ground gas concentrations and flow to a level compliant with the Amber 1 level of the NHBC traffic light system, with the proviso that conditions following remediation and reclamation will be no greater than Amber 2. This objective will make the site suitable for housing.

Highway Network Management

3.9 Officers recommended changes to the first version of the CEMP (17.2.2016) to ensure there were adequate measures to prevent construction traffic leaving detritus on the highway and that provision be made for any damage to the highway as a consequence of construction to be rectified promptly. The CEMP was revised accordingly.

Flood Risk Management

3.10 Officers recommend a condition to approve the drainage scheme. This would manage surface water run-off in a satisfactory manner, with permitted discharge based on a Greenfield run-off rate based on 1.4 l/sec/ha.

EXTERNAL

Environment Agency

3.11 The Agency in their original response asked for conditions to secure the proposed remediation and for a programme of long-term monitoring and contingency measures until the target groundwater remediation values had been achieved.

3.12 However in later correspondence (letter dated 5.8.2015) the Agency advised that their recommended condition regarding groundwater remediation was not necessary, because groundwater is regulated by the Agency under the Environmental Permitting Regime.

Internal Drainage Board (IDB)

3.13 The run off rate proposed within this application alone meets the requirements of the IDB. Because the surface water flows arising from the site prior to the

proposed development cannot be proven (due to demolition works) the (agricultural/Greenfield) rate at 1.4 l/sec/ha is proposed.

3.14 However the consultation response from the IDB relates to the overall scheme i.e. including the proposed re-development in the outline application, and explains why they are not in support of the current strategy for overall drainage of the site due to the amount of surface water run-off proposed into the Carr Drain which passes through the south end of the site and is within the board's drainage district.

3.15 Within the outline application the proposed run off rates into the drain exceed the Greenfield (rather than Brownfield) site i.e. 1.4 litre/sec/ha required by the IDB. This position is maintained by the IDB because the applicants are unable to prove the previous surface water run-off rates into the drain.

Network Rail

3.16 No objection on the extent of the works being undertaken as part of the construction works.

3.17 Network Rail have concerns though related to the management of construction traffic and the routing of HGV's and other traffic to and from the site. NR strongly advise that no access be taken from Millfield Lane for the construction works as this generates an unacceptable level of associated risk. A construction access should be provided from Boroughbridge Road as this will minimise impact on the function of the Level Crossing.

Yorkshire Water

3.18 Yorkshire Water asked for the means of surface water discharge from the site to be agreed by Yorkshire Water and the council. When re-consulted on the revised strategy (January 2017) no objection was raised to the proposed means of drainage - foul water will discharge to public 450mm diameter combined water sewer and surface water to the watercourse.

Natural England

3.19 No objection; the proposal is unlikely to affect any statutorily protected sites or landscapes.

3.20 Natural England have not assessed this application and associated documents for impacts on protected species, on which they have published Standing Advice. Comments have been provided on the need to consider any local designations, NPPF recommendations to enhance biodiversity and the benefit of enhancing landscape character.

Holgate Planning Panel

3.21 Support the application.

Nether Poppleton Parish Council

3.22 Comments made on the outline application only.

Rufforth with Knapton Parish Council

3.23 The Parish Council have commented on the outline application. Relevant to this application is the consequent ground levels following re-profiling and that it would enable over-dominant development over Millfield Lane.

Publicity

3.24 36 comments have been made on this application alone. 2 in support.

3.25 Approximately 20 of the residents in Langholme Drive have made representation on applications for the British Sugar site referring to proposals to re-profile the site and remove the bund and much of the vegetation behind the houses.

3.26 Comments include that residents were of the understanding they had been assured previously by local councillors the bund would remain. The feature is regarded to be a local landmark. If it were removed residents would suffer a loss of privacy and outlook; there would be a loss of ecological value, mature trees and wildlife, as a consequence of removal of landscaping behind Plantation Drive

3.27 Vegetation by the Millfield Lane access (areas previously supported by a grant by the Forestry Commission) would also be removed and this has been met with objection.

3.28 Other comments made were as follows -

Procedural Matters

- The original publicity lacked time for residents to comment & when the application was validated not all reports were available.
- There were no site notices placed on Princess Drive, Sovereign Drive or Millgates.

Amenity

- Loss of amenity during construction / remediation

Highway Network

- Increased traffic levels as a consequence of this development and other proposed along Boroughbridge Road.
- Queried why two lanes and a central reservation are proposed for the access through FMS.
- Plantation Drive previously provided access for the BS site. There have been comments that it could accommodate more than 10% of cars associated with this development. However there have been more comments to the contrary, that extra traffic and parked cars on Plantation Drive will bring highway safety issues.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues related to this application for remediation and changes to ground levels are as follows -

- Principle of the proposed development
- Land Contamination
- Impact on amenity and setting as a consequence of site re-profiling
- Biodiversity
- Archaeology
- Site Drainage
- Construction Management

RELEVANT POLICIES OF THE NPPF

4.2 NPPF paragraph 7 states planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. York has no adopted development plan.

4.3 NPPF paragraph 14 states that for decision making where the development plan is absent, silent or relevant policies are out-of-date, LPA's are to grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted

4.4 Paragraph 17 Core Planning Principles establishes the following relevant requirements -

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that

the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Section 11 Conserving and enhancing the natural environment

4.5 Paragraph 118 states that when determining planning applications, LPA's should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

4.6 Paragraph 121 states planning decisions should also ensure:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 and adequate site investigation information, prepared by a competent person, is presented.

4.7 Paragraph 123 states decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions

Section 12 - Conserving and enhancing the historic environment

4.8 Paragraphs 128 and 129 state as follows –

- Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation... Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal ... taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

SITE DESIGNATION WITHIN THE EMERGING LOCAL PLAN & EMERGING UPPER AND NETHER POPPLETON NEIGHBOURHOOD PLAN

4.9 The Site Selection Paper Addendum Sept 2014 is part of the evidence base that informs allocations in the emerging plan. The selection criteria and methodology is detailed in the paper along with justifications for site allocations. The British Sugar and Former Manor School site are identified for residential development in the emerging Local Plan. The site reference is ST1.

4.10 The neighbourhood plan will proceed to being adopted planning policy following the August referendum. Before then, the post-examination (draft) neighbourhood plan is a material consideration in the determination of planning applications so far as that plan is material to the application. The part of the application site within the plan boundary is allocated for housing. This proposal will enable the site to be suitable for housing and is therefore consistent with the plan.

ASSESSMENT

Principle of the Proposed Development

4.11 The application site is previously developed, classed as brownfield land. It is in the urban area. The site is being allocated for re-development in the emerging plan. The Council has worked with developers to see it re-used since the factory closed and a Supplementary Planning Guidance Document prepared setting out the Council aspirations for the site (April 2012 - former British Sugar/Manor School draft supplementary planning document).

4.12 To remediate the application site and provide a platform capable of accommodating re-development is compliant with policies in the NPPF to promote sustainable economic growth and fits with the Council's location strategy for development in the city, as detailed in 2005 DCLP policy SP6.

Land Contamination

4.13 The proposed remediation strategy along with the removal of the environmental permit (the latter is regulated by the Environment Agency) will deal with contamination which arrived as a consequence of previous uses of the site. In this respect the proposals accord with the thrust of section 11 of the NPPF.

4.14 The strategy will reduce the concentrations of substances within the ground to an acceptable level and improve the engineering competence (strength and stiffness / compressibility) of materials comprising the made ground to allow it to be used to form the development platform suitable for building roads, houses and related engineered structures and facilities such as drainage. The approach is explained in parts 0.5 and 0.6 of the strategy (Feb 2015 version).

4.15 No specific re-use of the site formed part of this application as such conditions proposed are for the carrying out and of the strategy and for validation the proposed targets are met. Depending on the proposed end use of the site further measures could be required, such as the installation of gas protection measures within buildings. These would be conditioned as part of any relevant future application.

Impact on Amenity and Setting as a Consequence of Site Re-Profiling

4.16 Ground levels on site are currently elevated towards the north where storage lagoons were installed and bunds screened the site from its surrounds - around the former playing fields, in part behind Langholme Drive and at the south end of the site by Ouseacres. Ground levels generally rise to the North-west. By Ouseacres and Plantation Drive ground levels are around 15 AOD, rising to 19 AOD at Millfield Lane by the former site access.

4.17 The proposed ground levels would gradually rise towards the centre of the site, with a maximum level of 22 AOD to the east of the Tangerine factory. Behind Langholme Drive the majority of the existing bund would be removed, with a far smaller bund left behind nos. 66 to 82. This smaller bund would rise to around 1.7m higher than neighbouring gardens. At the north-west end of the site ground levels would be some 40cm higher than the level of the industrial buildings along the lane, and further back, elevated some 1.6m higher compared to the transformer station. There would be no material change to ground levels around the south side of the site and by the Plantation Drive entrance into the site.

4.18 The remediation strategy would lead to the loss of vegetation.

4.19 Vegetation and trees would remain in the following areas -

- Along the south boundary
- Eastern boundary by the railway line
- The Bee Bank, a site of regional nature importance is preserved
- Trees behind nos. 10 - 30 Langholme Drive

4.20 The proposed levels would be akin to the sites original level, before intervention, to enable re-development. This is justified and has officer support, being consistent with planning policies to promote sustainable economic growth and re-use vacant formerly developer sites in urban areas. There would be two areas where site levels would remain over 1.5m higher than adjacent sites - along part of the North-west boundary and behind nos. 66-82 Langholme Drive. The change in level would be reduced compared to the previous situation at the latter area. The NW boundary is less sensitive, with there being a transformer station adjacent the site. The changes to the site profile do not create an unacceptable impact on wider views, including strategic views of the city centre and Minster (as identified in the Central Historic Core conservation area appraisal) or the local townscape.

4.21 The resulting topography would have no undue impact on neighbours amenity considering whether it would be over-bearing, over-dominant or leading to a loss of light or outlook. The impact of any proposed future re-development would need to be considered on its merits within the relevant application.

4.22 There remain bunds and areas of planting around the periphery of the site which previously helped screen the former industrial use of the site. It is accepted a considerable amount of this needs to be removed to enable remediation.

4.23 Prominent areas which will be cleared and would change public views of the site are by Millfield Lane (which was subject to a Forestry Commission Grant and the commission will need to grant consent for its removal/replacement) and the area to the rear of Plantation Drive which is dominated by young broadleaved trees and scrub on the top of the banks.

4.24 Re-development of the site will to a degree change the landscape character. The envisaged re-use of the site will not be industrial in nature. It will not require screening, but will complement surrounding housing and assimilate into its surrounds.

New green infrastructure and open spaces will be integral to the development and provide space for recreation. Details of which would come forward within the outline application.

4.25 Only a limited level of replacement landscaping at the periphery of the site can be secured through this application. The landscaping to be secured through condition will be in areas where planting is proposed within the master-plan in the companion outline application to give the site its distinctive character, when viewed from beyond the site - at the rear of Langholme Drive, and to replace trees to be lost and along Millfield Lane. It is noted here that to allow trees to mature and protect the amenity of Langholme Drive residents, the current positions within the outline application are for deep gardens to houses adjacent the boundary here, to prevent new houses being over-dominant/over-bearing and to acknowledge the previous

landscape character. Planting is also proposed around the tangerine factory. The landscaping will be implemented in the planting season following completion of the remediation.

4.26 The proposed re-profiling of the site and its consequential appearance following development in this application would not have an undue impact on visual or residential amenity. Trees to be removed behind Langholme Drive will be replaced following the remediation works. In due course when the site has been fully re-developed the aspiration is that the site makes an enhanced contribution to its setting.

Biodiversity

4.27 The British Sugar Railway Sidings SINC 'the bee bank' is located on the eastern boundary of the site. A SINC is a Site of Importance for Nature Conservation, classed as being of regional importance.

4.28 The SINC is a sandy bank with scrub, qualifying for designation because of the presence of nationally and regionally scarce invertebrate. A survey in 2013 confirmed it remains a valuable resource for invertebrates and is assessed as being of county importance and a medium value as a receptor. This site would be protected and unaffected by the development the subject of this application.

4.29 The site has been assessed (Phase 1 Habitat Survey) as to whether it accommodates protected species, including birds, badgers, great crested newts and bats. No habitats were found. However the mature trees on the northern and western sides of the lagoons had bat roost potential. The remainder of the habitats on British Sugar site are of negligible value.

4.30 The trees previously identified to be of moderate to high roosting bat potential, which are proposed to be removed, will be subject to updated surveys, and mitigation detailed if relevant. This work is required to ensure that if bats have colonised the trees in the intervening period, there is suitable mitigation and no harm to protected species.

4.31 Officers recommend a condition also to approve a method of works requiring steps to avoid harm to protected species and the bee bank. The condition would provide replacement bat habitat also. The measures would be akin to those proposed in chapter 11 of the applicants Environmental Statement.

4.32 The scheme does not conflict with NPPF paragraph 118 as there would be no significant harm to biodiversity. Paragraph 118 also states opportunities to incorporate biodiversity in and around developments should be encouraged. There were large areas of landscaping around the site which screened the former industrial development on-site which will be removed as part of the proposed works.

This is deemed necessary; justified to allow a re-development of the site. Planning conditions will secure replacement planting, of higher ecological value in certain areas. However the landscaping throughout the site needs to be secured in conjunction with re-development (i.e. in a different planning application) so it syncs with any approved master-plan and subsequent construction.

Archaeology

4.33 A desk-based assessment for the application site has been undertaken by On-Site Archaeology in consultation with Council officers. The majority of the British Sugar site was subject to substantial ground disturbance during the 20th century, with major differences in ground levels. This intervention suggests a negligible potential for the survival of archaeological deposits. The assessment identified that the main areas with the potential for the survival of archaeology were the sports field and parts of the staff car park at the south-east end of the site.

4.34 The sports field was investigated in 2014. Findings were modern, associated with the British Sugar site and agricultural ridge and furrow. The archaeological importance of such is negligible. A watching brief can be secured through condition to cover the car park which was not previously investigated. The proposed condition would fulfil the requirements of NPPF paragraphs 128 and 129 which relates to heritage assets as the archaeology will have been suitably investigated and evaluated.

Site Drainage

4.35 The drainage strategy and relevant proposed planning condition associated with this application permits a discharge rate based on a Greenfield run-off rate (1.4 l/sec/ha) and uses sustainable urban drainage methods (SuDS).

4.36 The main concerns of the IDB are the point of connection i.e. straight into Carr Drain and the proposed run off rates associated with the outline application for re-development of the site.

4.37 The proposed point of connection is acceptable to the LPA considering the fact that both discharge options (the 610mm diameter outfall and Carr Drain & the preferred alternative suggested by the IDB) ultimately discharge to the River Ouse.

4.38 The proposed drainage strategy in this application is acceptable to officers. It meets the requirements of the Council's Strategic Flood Risk Assessment and is as requested by the IDB.

4.39 For information, in reply to issues raised by the IDB over the outline application, officers view is that although the applicant cannot prove existing connected areas, historically the factory buildings did discharge in the region of 95 l/sec (not including

the 69.5 l/sec discharge to the 610mm diameter outfall and the 10 l/sec to the Yorkshire Water surface water sewer in Plantation Drive). Therefore the 43.2 l/sec maximum run off rate, currently proposed within the outline application has been agreed with the applicants as such a rate would be significantly less than previous run off rates into Carr Drain.

Construction Management

4.40 In accordance with NPPF paragraph 123 steps are being taken to minimise and mitigate impacts on amenity as a consequence of the proposed development. A construction management plan (version 1.1) has been agreed with the applicants. This requires best practical means to limit impact from noise, dust, air quality, vibration, odour and light pollution whilst the remediation strategy is carried out. It also includes measures to maintain the condition of the highway during construction.

4.41 During the Remediation/Reclamation stage of the development, which is anticipated to be completed within approximately 12 months, the daily level of forecast traffic movements is estimated to not exceed 169 vehicle movements per day. Of these, 31 movements are estimated to be undertaken by HGV. All construction traffic would use Millfield Lane. Officers have agreed to this approach as despite concerns raised by Network Rail over safety at the railway crossing, overall this approach would have less impact on the local residential community. A condition will limit construction traffic to reasonable hours (08:00-18:00 on weekdays & 09:00-13:00 Saturdays only).

5.0 CONCLUSION

5.1 The site is previously developed, now vacant and in a sustainable and urban location. The proposals, to allow site remediation and to create ground levels suitable for development, are consistent with the NPPF core principle for planning to proactively drive and support sustainable economic development. The development also assists in enabling the local aspiration, as established in the emerging Local Plan, to develop the site for housing.

5.2 The proposed works will lead to the loss of landscaped areas and reduce habitats on site. A limited level of mitigation can be secured through this application but it is accepted a more comprehensive landscaping strategy will need to be delivered in conjunction with development proposals for new uses on the site. There is a current application still under consideration by officers which would deliver such mitigation in due course.

5.3 Through the use of planning conditions, there is suitable mitigation to enable compliance with NPPF policy with regards to other material considerations; amenity, archaeology, drainage and flood risk and managing disruption during construction.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development (the remediation & reclamation strategy hereby approved) shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Approved Plans

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

Location Plan

URS plan DR GE 00002 rev P1

Existing Contours Plan - DR-CE-00600 P3

Proposed Contours - DR-CE- 00602 P5

Interpolated Base of Excavation Contours Plan DR-CE-00601 P3

Cross Sections

DR-CE-00605 P5

DR-CE-00606 P5

DR-CE-00607 P5

Details of noise barrier

DR - CE -

00611 P6

00612 P5

00613 P6

00614 P5

Landscaping Plans

60531863 BS LS 009 - Landscaping proposed around tangerine factory

Remediation and reclamation strategy dated Feb 2015

Construction Management Plan Version 1.1 dated June 2017

Arboricultural Method Statement reference IJK/6810/WDC dated August 2017

Reason: For the avoidance of doubt and to ensure that the development is carried

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out only as approved by the Local Planning Authority.

3 Archaeology: watching brief

No work shall commence on the relevant part of the site until the developer has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. The watching brief shall cover the British Sugar car parking area (at the south-east end of the site as annotated on Figure 7 in the Desktop Assessment by OSA, dated May 2007). The programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences and development carried out in accordance with the approved details.

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

4 Biodiversity Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the plan shall include the measures set out in Section 11.165, 11.166 of the Environmental Statement (specifically referring to the British Sugar Railway Sidings SINC) and also be based on BS 42020:2013, unless otherwise agreed in writing with the Local Planning Authority prior to submission. The approved plan shall be adhered to and implemented throughout the construction period in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the National Planning Policy Framework.

5 Bat Mitigation

There shall be no felling of trees identified in the Environmental Statement Figure 11.1 Phase 1 Habitat Plan (Target Notes 5 & 6), where these trees have moderate to high potential to support roosting bats, until an updated bat survey has been submitted to and approved in writing by the Local Planning Authority. The survey shall include any necessary mitigation and development shall be carried out in accordance with the approved survey. (Note - The trees referred to at Fig. 11.1 are trees in the main part of the BS site that will be removed as part of the creation of the development platforms and reclamation of the site through the detailed application).

Reason: To take account of and to enhance the habitat for a protected species and comply with Section 11 of the National Planning Policy Framework.

6 Drainage

Prior to completion of the remediation strategy and associated re-profiling of the site, details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The following site specific details are required:

- Proposals for the inclusion of SuDS features in accordance with the SuDS Manual.
- Plans to demonstrate that there will be no surface run-off from the site in a 1:100 year storm (+ 20% allowance for climate change) and that run-off from the site will not have an adverse effect on existing properties.
- Cover and invert levels to ordnance datum of the drainage proposals for the new development.
- Computer modelling of the surface water attenuation to accommodate the 1:30 year storm and proposals to accommodate the flood volumes above the 1:30 year storm up to the 1:100yr + 20% climate change storm.
- The flow control chamber limiting the surface water to the 43.2 l/s.
- The drainage discharge point.
- The assumptions and design limitations to be applied to the drainage design of each development plot.
- Future management and maintenance of the proposed drainage scheme.

Reason: To ensure proper drainage of the site and so that there is no increase in flood risk elsewhere, in accordance with paragraph 103 of the National Planning Policy Framework.

7 Landscaping

A detailed landscaping scheme which shall include the number, species, height and position of trees to be planted, adjacent Millfield Lane and at the rear of Langholme Drive shall be submitted to and approved in writing by the local planning authority prior to completion of the development hereby approved.

The approved scheme(s) and the landscaping scheme shown on drawing 60531863 BS LS 009 - Landscaping proposed around tangerine factory shall be implemented before the end of the first planting season following approval of the verification report (as required under condition 8) by the Local Planning Authority (which will confirm completion of the site remediation).

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

Reason: In the interests of good design, visual amenity and in the interests of residential amenity, in accordance with place-making design guidance within Building for Life 12 and design guidance within National Planning Policy Guidance regarding the retention and promotion of distinctive character. Also to mitigate against biodiversity lost due to removal of soft landscaping to allow the remediation, in particular the group of trees of high amenity value by the existing Millfield Lane entrance.

8 Site remediation

The development hereby approved shall be implemented in accordance with the Remediation and Reclamation Strategy (dated February 2015). A Verification Report, demonstrating the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of completion of the post completion monitoring (as detailed in section 9 of the strategy).

Reason: To ensure that risks from land contamination (including landfill gas) to the future users of the land and neighbouring land are mitigated, together with those to controlled waters, property and ecological systems, in accordance with paragraphs 109, 120 and 121 of the National Planning Policy Framework.

9 Unexpected contamination

In the event that contamination is found at any time when carrying out the remediation and reclamation works that was not previously identified, it shall be reported in writing to the Local Planning Authority immediately and shall be investigated, assessed, remediated and verified in accordance with the Remediation and Reclamation Strategy.

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, in accordance with paragraphs 120 and 121 of the National Planning Policy Framework.

10 Construction Management

The development hereby permitted shall be carried out in accordance with the construction environmental management plan (CEMP) version 1.0 dated 29.4.2016, or any subsequent CEMP submitted to and approved in writing by the Local

Planning Authority.

Reason: To mitigate against harm to amenity during construction, in accordance with paragraph 123 of the National Planning Policy Framework.

11 Surface water discharge

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.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

12 Tree/bee bank protection during works

The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (dated August 2017), or any subsequent statement submitted to and approved in writing by the Local Planning Authority.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of the area and/or development and to avoid a loss in biodiversity.

13 During the construction phases heavy goods vehicles shall only enter or leave the site between the hours of

08:00-18:00 on weekdays

09:00-13:00 Saturdays

There shall be no such movements on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: In the interests of amenity of surrounding occupants.

14 Noise barrier construction

The supporting structure (vertical and horizontal posts) to the noise barrier shall be of concrete construction (as shown on the approved drawings).

Reason: In the interest of good design, to ensure the fencing is robust, to reduce the need for maintenance.

15 Dilapidation survey

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority. A method statement detailing the undertaking any required repair works shall be approved in writing by the Local Planning Authority and development shall occur in accordance with the approved details.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

7.0 INFORMATIVES:

Notes to Applicant

1. Network Rail

At least six weeks prior to works commencing on site the NR Asset Protection Project Manager should be contacted, contact details as below. The manager will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Asset Protection Project Manager contact details -
Network Rail (London North Eastern)
Floor 2A
George Stephenson House
Toft Green
York
Y01 6JT
Email: assetprotectionlne@networkrail.co.uk

The following measures should also be adhered to during construction -

Drainage

All surface and foul water should be collected and diverted away from Network Rail property.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement and provided to Network Rail. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, will be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Security of Mutual Boundary

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

Boundary Treatment

At all times there will be a secure boundary fence to the Network Rail land.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it.

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: required revised plans and documents and through the use of planning conditions to make the application NPPF compliant.

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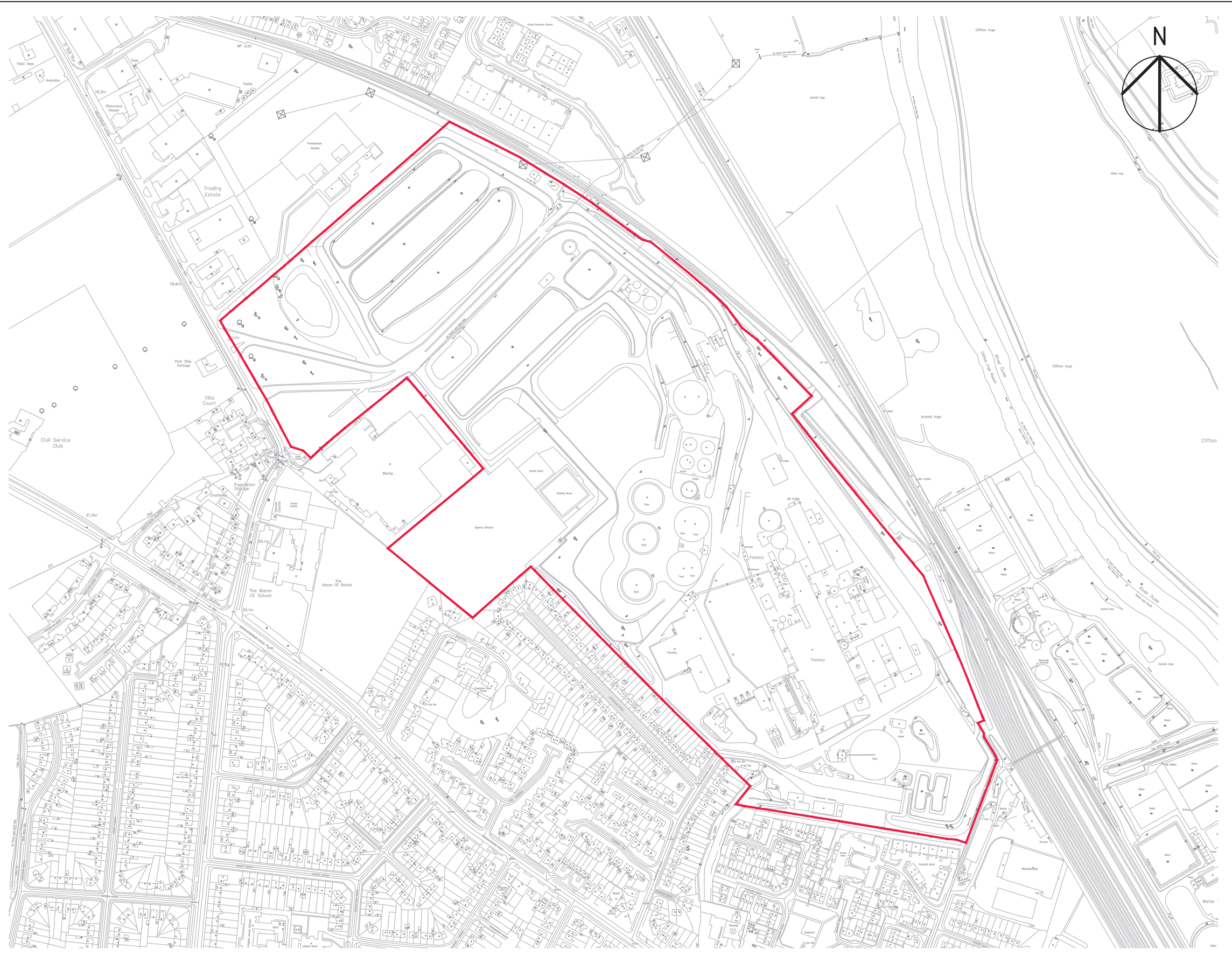
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

Plot Date : 27 November 2014 15:07:31
 File Name : M:\PROJECTS\47068825 (PP NO 47068810) BRITISH SUGAR 201312 - PROJECT INFORMATION\2.3 - DOCUMENTS\DRAWINGS\FBSS-URS-XX-XX-DR-GE-00002 P1

KEY
 SITE BOUNDARY



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PURPOSE OF ISSUE CHANGED	JB TB	27.11.14	P1
Revision Details	By Check	Date	Suffix

Project Title	BRITISH SUGAR SITE, YORK
Client	BRITISH SUGAR

Drawing Title	SITE BOUNDARY PLAN
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Purpose of issue DETAILED PLANNING APPLICATION DRAWING				
Designed TB	Drawn JB	Checked TB	Approved GH	Date 27.11.14
URS Internal Project No. 47068825		Suitability		
Scale @ A3 1:5,000		Zone / Mileage		

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COMMITTEE REPORT

Date: 14 September 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 17/01228/FULM

Application at: Aviva Yorkshire House 2 Rougier Street York YO1 6HZ

For: Change of use of offices (use class B1) to 150no. bed hotel (use class C1) with associated restaurant, bars and gym. Erection of single storey extension and new roof storey

By: Yorkshire House

Application Type: Major Full Application (13 weeks)

Target Date: 18 September 2017

Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of the existing building from an office use to a hotel use including 150 bedrooms. The proposal would also include a single storey extension to south west/rear elevation. Seven vehicle parking spaces would be provided within the lower ground floor level/basement. The recessed stone panels at the upper ground floor in the north eastern elevation would be replaced by windows. In the southern east elevation a recessed panel would be replaced by glazing and a door within a raised platform to create an outside seating area for a potential coffee shop. In addition a proposed roof storey with a further service storey would be added to the top of existing building.

1.2 The building ceased being used by Aviva in early 2016 and has been unused since that time.

1.3 The site is within the Central Historic Core Conservation Area it is within an Area of Archaeological Importance. The Grand Hotel to the south west and south is Grade II* listed, and at the time of writing a number of extensions of the Grand were being constructed. To the north east 15, 16, and 17 Rougier Street are Grade II listed. In the wider area there are a significant number of listed buildings. The city walls - an ancient scheduled monument lies to the north and north west of the site.

1.4 The site is within Flood Zones 1, 2, and 3.

1.5 Revised plans have been submitted making alterations to the roof extension and canopy, removal of the projecting windows on the northeast /Rougier Street elevation. Alterations to the layout of the lower and upper ground floors. This application has been subject of 3 separate periods of consultation. The last consultation period ends 04.09.2017.

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1.6 Committee may recall that a previous application (16/01976/FULM) for the change of use of the building to a hotel was before committee and approved (19.01.2017). The development included 124 bedrooms, 33 serviced apartments, a 6 storey extension to south west/rear elevation. Vehicle parking spaces (37) would be provided (23 at lower ground floor level/basement and 14 at upper ground floor level). The recessed stone panels at the upper ground floor in the north eastern elevation would be replaced by windows. In the southern east elevation a recessed panel would be replaced by glazing and a door within a raised platform to create an outside seating area for a potential coffee shop.

2.0 POLICY CONTEXT

2.1 Policies: Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections. There is adequate provision of both cycle and car parking for the use of the building purely as a hotel in this highly sustainable location. Turning for drop offs, light vehicles and taxis is available on the Station Road existing access.

3.2 Frequent deliveries will need to be taken from the private access road off Rougier Street. The access is close to a bus interchange attracting many pedestrian movements. Unlike the adjacent hotel using the access already, no turning is provided off highway for wagons as part of this or previous applications. This will lead to vehicle/ pedestrian conflicts across the entrance due to reversing manoeuvres. To help mitigate these issues, we welcome the proposed pedestrian improvements to the highway crossing the entrance, giving better visibility and protection for pedestrians. These can be secured via condition.

3.3 Cycle parking is provided. Seek condition to ensure the cycle stands and enclosure are acceptable. Request INF1.

PLANNING AND ENVIRONMENTAL MANAGEMENT (CONSERVATION)

3.4 Consider the harm to the historic environment is limited and at the lower end of 'less than substantial'. There is a degree of harm and officers have worked with the

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applicant to try to minimise and eliminate harm as the scheme has progressed, and it is at a point where the (latest) scheme can be supported, as there are a number of public benefits to outweigh this harm. The outstanding harm (caused by the rooftop extension and canopy) can not be eliminated due to the nature of the proposal, and relates to increase in bulk and massing of an already large building in a sensitive setting and potential night time illumination creating some impact of the night time ambience of the conservation area.

PLANNING AND ENVIRONMENTAL MANAGEMENT (ARCHAEOLOGY)

3.5 This site lies within the Central Area of Archaeological Importance in the former area of the Roman civil settlement (Colonia). In addition, it lies within the Central Historic Core Conservation Area and faces the Scheduled City Wall and Grade II* listed Grand Hotel.

3.6 Archaeological excavations in the 1980s in advance of the construction of Roman House (adjacent) revealed up to 7m of archaeological deposits including evidence of Roman timber and masonry buildings. Excavations in the adjacent hotel in 2009 recorded medieval structural remains at c.11m AOD. These excavations revealed that there was a steeper slope towards the river during the medieval period. An archaeological evaluation was carried out on the site in 2009 by AOC archaeology. This revealed Roman structural remains including degraded concrete and mortar floors at a height of 7.5-8 AOD. The Roman structural sequence was truncated by shallow pits containing medieval pottery, sealed by medieval dumps and 19th century demolition material. Most recently (2016) an archaeological desk-based assessment has been produced by On-site Archaeology.

3.7 The current proposal includes the erection of a single storey extension on top of the current basement car park. There are no plans to extend the depth of the current foundations nor to provide any new foundations for the proposed extension. Therefore, the significant Roman archaeological deposits present on this site are unlikely to be effected by the proposed development.

3.8 The proposals do include the provision of three lifts in the basement. The excavation of these lift pits and any new trenches needed for the provision of services for the proposed WCs and showers should be monitored archaeologically. Request an archaeological watching brief via condition

3.9 The impact of the proposed development on the setting of the City Walls and Grand Hotel needs to be taken into consideration as well as the potential impact on the character of the area.

FLOOD RISK MANAGEMENT TEAM

3.10 No objections to the proposed development as long as it is built in accordance with the submitted Flood Risk Assessment (FRA), with all sleeping accommodation at first floor level or above

3.11 The applicant's comments on page 36 of the FRA suggest it is the responsibility of CYC emergency planners and the emergency services to evacuate this building in times of flood. This is not the case therefore the applicant must submit a suitable evacuation plan which takes into account the EA's flood warning system

PUBLIC PROTECTION

3.12 The noise assessment demonstrates that during the day time and night time periods internal noise levels on all levels of the existing property and proposed extension could comply with the requirements for internal Leq levels in dwellings set in BS8233:2014 and the WHO Guidelines on the basis that suitable glazing and ventilation were provided.

3.13 The maximum noise levels occurring during the night time period, where Lmax levels of up to 52.8 dB(A) were recorded internally and 81.8 dB(A) externally. Given the proposed use of the building PP are satisfied that whilst the criteria under BS8233 may not be currently met in this respect that noise would not prevent the development proceeding. Request a scheme of noise insulation measures via condition.

3.14 Potential noise impact of the sky bar/roof top terrace proposals: The sound levels on the North West corner of the roof were consistent with levels between 54 and 56dB(A) Leq 16 hours during the daytime and 49 to 51 dB(A) Leq 8 hours during the night. To the South West corner, sound levels on the roof were found to be 51 dB(A) Leq 16 hours during the daytime and 46 dB(A) Leq 8 hours during the night. The assessment showed that noise levels during the later afternoon and evening were between 57 and 65dB(A) Leq 1 hour, with levels reducing during the night time to 50dB(A) Leq 1 hour.

3.15 Around the external seating area a glass balustrade is proposed it is assumed that this would provide approximately 5dB attenuation on any noise levels arising from the roof. The sound level from the noise source would reduce further given the 22 metre distance between the source and the Grand Hotel. The noise assessment predicts that use of the roof top external seating area would have negligible impact during peak use. In terms of the coffee shop terraced area the report shows that this would be unlikely to have any impact. Request a condition regarding the details of the amplified music equipment and the levels.

3.16 It is anticipated that external plant and equipment will be required for the kitchen. The nearest receptor to any plant proposed is the Grand Hotel. It is agreed

that given the location of the site, the location of proposed plant, the existing users in the area and the likely consistency of the noise source, that the normal plant limit of not exceeding the background level could be relaxed on this occasion only.

3.17 The report then states that a suitable plant limit of 76dB(A) during the day and 73dB(A) during the night time would be acceptable, this being 10dB above the background measured L90 levels at NSR2. The noise survey would indicate that at the Grand Hotel Façade this would relate to a limit of 50dB(A) during the day or 47dB(A) during the night, which is similar in level to the measured Leqs during those time periods. Public Protection have concerns allowing a relaxation to 10dB above the background level and instead request a condition which allows levels to exceed background levels by 5dB.

3.18 In terms of noise associated with vehicle deliveries would request that a condition be placed to limit to that of the nearby Grand Hotel. In terms of the impact of the conversion and construction phases of the development on nearby receptors request a condition for a Construction and Environmental Management Plan. Together with hours of construction. Due to the potential for odour associated with any kitchen extraction unit to affect the amenity of nearby receptors, request condition requiring adequate facilities for the treatment and extraction of cooking odours. The proposed rear extension will be built on top of the existing basement car park as such an initial investigation and risk assessment and remediation scheme are not required however request condition in the event of unexpected contamination is found.

3.19 The site falls within CYC Air Quality Management Area. A hotel use would be regarded as a lower category of sensitivity, due to the reduced period of occupancy. The nitrogen dioxide monitoring is currently showing that although levels of nitrogen dioxide are breaching the annual mean objective, they are not indicating breaches of the hourly mean objective. As such, PP do not have concerns.

3.120 In line with the CYC Low Emission Strategy and the NPPF, request a condition that at least 1 parking bay should have facilities for recharging electric vehicles

PUBLIC REALM

3.21 No comments received.

EDUCATION PLANNING OFFICER

3.22 No education contribution will be required.

PLANNING AND ENVIRONMENTAL MANAGEMENT (FORWARD PLANNING)

3.23 Policy E3b (Existing and Proposed Employment Sites) Of the Development Control Local Plan (2005) 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

3.24 Policy EC3 (Loss of Employment Land) of the emerging Local Plan continues the approach to existing employment land set out under E3b in the Draft Local Plan. 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. An analysis of the office market shows a major challenge for the City - that of the undersupply of grade A office accommodation both in the city centre and peripheral locations, which acts as a constraint on inward investment. Recent analysis that has accompanied planning applications points to the oversupply of B grade office accommodation in the city, with a number of prior notifications for ORC received in such cases.

3.25 The Employment Land Review (July, 2015) describes the criteria used to assess employment sites, in determining a preferred list for the emerging Local Plan. These criteria reflect previous economic appraisals (best practice) and local economic knowledge. The proximity to York's railway station is noted as of particular importance for high value sectors in York where regular, reliable links to London are available.

3.26 The Council expects the applicant to provide evidence of effective marketing the site/premises for employment uses for a reasonable period of time. Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use. This includes employment generating uses outside the B use classes. The applicant has included such information in the submitted Planning Statement, which concludes that whilst the site has not been actively marketed since its acquisition from Aviva, undertaking an upgrade of the current 'B' grade office space would be economically unviable, and its loss as 'B' grade office space would not harm the economic wellbeing of York. The applicant has submitted supplementary costings to demonstrate why the creation of Grade A offices would be economically unviable - these should be tested by EDU colleagues to determine whether the assumptions and conclusions are accurate.

3.27 In the emerging Local Plan (Preferred Sites 2016) only York Central in the city centre has been identified as a means of providing additional B1 office space, a development of 80,000sqm office led commercial space (B1a). This is set against an overall land requirement of 71,000sqm for B1a use over the Plan period. The emerging Plan proposes no change to the existing use of Aviva House, which it assumes would be retained in its current employment use. The site has an important role, and the potential of such an accessible, prominent site as part of the City's employment land supply, particularly in the context of need and locational criteria identified by the ELR (July, 2015). There are benefits of a high quality hotel locating in the City, however the loss of office space would be to the detriment of York's employment land supply.

STRATEGY AND ECONOMIC POLICY

3.28 Given York's position of effective full employment (under 1% unemployment rate), it is widely acknowledged that it is wages and quality of jobs which are the primary economic challenge for the city - with wages below the national average, despite the city's resident population having very high resident (in top 10 UK cities). This trend in lower wages is because of a skew in York's industrial makeup towards lower wage sectors such as tourism and care, with lower than average higher value sectors.

3.29 With most of the ingredients for high value jobs in place, such as skills, connectivity and quality of life, the York Economic Strategy identifies high quality office space in city centre locations close to York Railway Station as one of the key barriers for inward investment and expansion of indigenous businesses from industries with above average wages, such as financial and professional services and IT.

3.30 Therefore in relation to the city's economy and quality of jobs for residents, it is disappointing to see a change of use away from office space in a prime location. That said there is wider impact of a high quality hotel on the city's visitor economy and brand.

3.31 The key question however comes down to office viability, as 2 Rougier Street would require upgrading of the office space to position it effectively in the market. The Viability Assessment outlines the developer's case for why office space is unprofitable for Yorkshire House, and therefore supporting the case for change of use.

3.32 The reason rendering the building unprofitable for office use is that any valuation must be considered on the basis of residential value because of permitted development rights (PDR), so the value of purchase (and therefore the rental income required from office space) is considerably more than were residential use not an option. As stated, 'if an office developer were to make an offer below the

residential value then quite clearly they would be unsuccessful - and outbid by a residential developer'.

3.33 The assumptions in the assessment around rental yields, initial void periods and net capitalisation seem fair.

3.34 There is no suggestion from the developer or the assessment that there is lack of demand for office space, nor that strong rental yields could be achieved; only that once purchase at a value which is competitive to residential development, and rental yields are factored in, there is minimal capital available to actually convert the building to grade A offices. This assessment is in keeping with wider evidence and independent property studies, that there is indeed demand for city centre grade A office space and at strong rental yields, but that residential (or other commercial) uses are considerably more profitable, so that in locations in York where there is residential demand and permitted development rights apply, it is difficult for office development (especially where conversion to higher quality specification is required) to compete commercially and therefore be viable from a developer perspective.

3.35 From an economic policy perspective and in relation to city outcomes around wages and high value jobs, office space would still be the preferred use for Yorkshire House, and were it not for permitted development rights, this position may be able to be upheld through planning policy. However, given the viability assessment and the evidence provided, it would be difficult to oppose change away from office which in competition with residential property values and current market conditions has been shown to be insufficiently profitable and therefore unviable from a developer perspective.

3.36 The provision of a quality hotel such as is lined up would support the city's visitor economy and city brand so there are certainly economic positives over vacant use or a change to residential despite the negative loss of office space in a good location

EMERGENCY PLANNING OFFICER

3.37 No objections, however regarding the evacuation part of the FRA: it is part of the hotels own business continuity arrangements, they should have in place a clear and detailed evacuation plan which includes early triggers to ensure safe evacuation of residents before flood waters encroach on the building. The hotel is also responsible for relocating guests - it should not be presumed that this will be undertaken by the Council

WASTE SERVICES

3.38 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

MICKLEGATE PLANNING PANEL

3.39 No objection, providing the roof clutter (aerials etc) is not added

POLICE ARCHITECTURAL LIAISON OFFICER

3.40 Between 01.06.2016 and 31.05.2017 there were 148 reported crimes and 691 reported incidents of anti-social behaviour within 100m radius of the area. Taking into consideration the size of the study area, that crime and anti-social behaviour levels within the vicinity of the proposal are extremely high.

3.41 The analysis also indicates that the night time economy in this area is having a significant influence on crime and disorder. This is already placing a demand on police and other emergency service resources.

3.42 Situated within the City of York Council's Cumulative Impact Zone (CIZ). City of York Council as Licensing Authority under the Licensing Act 2003, has in place a special cumulative impact policy for the area. This policy clearly identifies the area as being under 'stress', because the cumulative effect of the concentration of late night and entertainment premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

3.43 No documents have been submitted with this application to show how the applicants have considered crime prevention in respect of their proposal.

3.44 Access control arrangements should be incorporated at all entrance doors in order to prevent unauthorised entry, e.g. keyfob entry system.

3.45 Taking into consideration that this hotel would be located within the CIZ, vertical drinking within these premises should not be supported and CCTV should be made a requirement, if a Premises Licence is successful, to cover all areas to where the public have access to consume alcohol.

3.46 Request a planning condition: that the developer provides full details of how crime prevention is being addressed.

ENVIRONMENT AGENCY

3.47 No objections providing it is in accordance with submitted FRA, and all sleeping accommodation is at first floor level or above.

3.48 The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development

proposals, as they do not carry out these roles during a flood. Their involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. Advise LPAs to formally consider the emergency planning and rescue implications of new development.

20TH CENTURY SOCIETY

3.49 No comments received up to the time of writing

CONSERVATION AREAS ADVISORY PANEL (comments to previous scheme)

3.50 No objection to the single storey extension to the rear

3.51 Object to the proposed roof extension which it was felt would detract from this particularly distinctive structure

HISTORIC ENGLAND

3.52 The post-war Aviva Yorkshire House occupies a very prominent and sensitive position adjacent to the Grade II* listed Grand Hotel, facing the Scheduled City Wall and within York's Central Historic Core Conservation Area.

3.53 Historic England (HE) is broadly content on heritage grounds with the conversion of this building to a hotel with associated restaurant, bars and gym. They are content with the proposal for a single storey addition to the south-west.

3.54 HE welcome the proposal to remove the disfiguring aerials from the roof and confirm they are broadly content with the proposed roof extension.

3.55 HE notes that in the latest revised plans the proposed glazed canopy with the retractable canopy has been simplified, which represents some improvement. Nevertheless, HE questions the justification for and indeed the utility of such a feature at this height and strongly suggests that it is omitted from the scheme. HE suggest the proposed canopy would still appear as a 'fiddly'/'fussy' attachment which, as the photomontages now provided appear to demonstrate, would clutter the lines of the roof and weaken its visual design, to the detriment of the conservation area.

3.56 HE request a condition to ensure that the top of Yorkshire House remains free from aerials or other additional structures in the future.

3.57 In determining this application HE advises that the LPA should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest

which they possess; also section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

3.58 HE request the amendments and safeguards are sought as set out in the above advice.

MAKE IT YORK

3.59 No comments received

VISIT YORK

3.60 No comments received

YORK CIVIC TRUST

3.61 No objection to the single storey side/rear extension. The revisions have removed the concerns regarding the increase in height of the original building

3.62 Support the removal of rooftop antenna etc. Support removal of ground floor projecting windows. No objections to the single storey side extensions, the design is an improvement on the approved scheme in terms of massing.

3.63 The proposed roof extension has an offset to accommodate the building's splayed corner. Due to the conventional massing of Yorkshire House, this offset of the roof extension is unsightly. The roof top addition should reflect the form of the existing building and have a chamfered corner

3.64 Oppose the proposed canopy to the roof top bar. It would be visible from the City Walls and other important viewpoints. It would draw the eye to the roof top addition that is unmerited. Would set a precedent for similar development. Require a more convincing argument for its retention. If it became a solid roof extension as opposed to the glazed structure would both reflect the current roofscape and reduce light pollution. Request that the canopy is removed from the application.

3.65 The Trust is concerned about the impact of the proposed roof scheme on the city skyline after sunset. The Night Time Lighting Impact Assessment concludes that potential light spill will be 'none/negligible', the artistic impressions and luminance results in the report only address the roof bar extension itself, and provides no visuals or details about external roof illumination on the terrace and/or canopy. Request the restriction of the roof top area to daylight hours

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.66 One representation of comments

Objected to previous application, consider the current application is preferable to the previous planning permission; on this basis do not object.

4.0 APPRAISAL

RELEVANT SITE HISTORY

16/01976/FULM - Change of use from offices (use class B1) to 124no. bed hotel and 33no. serviced suites/apartments (use class C1) and six storey extension to rear/southwest - Approved

16/02434/ORC - Proposed change of use from offices to 66 apartments (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 - Approved

15/02932/ORC - Proposed change of use from offices to 42 apartments (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 - Approved

KEY ISSUES

- Loss of employment (office space)
- Impact to heritage assets
- Visual amenity and character
- Flood Risk
- Impact to neighbouring uses
- Highways

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning flooding and heritage assets, (Sections 10 and 12). There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; the use of previously developed land is encouraged; take account of the different roles

and character of different areas; conserve heritage assets in a manner appropriate to their significance.

4.2 Paragraph 58 of the NPPF states that decisions should aim to ensure that development: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.3 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. (This application is not in the Green Belt.)

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

4.5 The emerging Local Plan policies can only be afforded very limited weight at its current stage of preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration in the determination of planning applications.

PRINCIPLE OF DEVELOPMENT

4.6 The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. In part it is suggested that this should be done by allocating a range of sites for offices to ensure that office uses are met in full and not compromised by site availability. The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states 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 A core principle of the NPPF to "support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances".

4.8 Policies E3b of the Development Control Local Plan (2005) and Policy EC3 (Loss of Employment Land) of the emerging Local Plan seek to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.9 The aim of local and national policy is to retain office space within the city centre for future office use and to attract inward investment. The site provides a large area of office space within the city centre, which is in need of some renovation. Yorkshire House provides circa 65,000 sq ft/ 6039 sq.m net office building. The site until recently was used as office accommodation by Aviva.

4.10 The City of York Council's 2013 Office Stock report indicates that there is approximately 1.5m sq ft of commercial office stock within the city centre, only a hand full of which are greater than 10,000 sq ft in size with fewer still considered to be of Grade A quality. This figure does not take account that over the last few years a number of large city centre office blocks have been or are about to be removed from the office market.

4.11 The drive towards residential conversion has arguably left a shortage of high quality, large floor plate office space within the city centre and has led to a two tier office market where a shortage of grade A space contrasts with a relatively healthy level of smaller scale second-hand supply. In its current state Yorkshire House is considered to provide Grade B office space, and would require some updating before use by other office occupants. The applicant argues there is a surplus of grade B office space within York and there is generally little requirement for larger floor plate offices of 10,000 ft plus. There are some concerns that York's reputation as a major office location has been significantly eroded, and in particular this has led to a perception that York cannot accommodate larger requirements, leading in turn to a significant impact on demand from inward investors, who are not considering York as a location.

4.12 The applicant has submitted viability information outlining why office space and the upgrade to Grade A office space would be unviable. The Economic Development Unit considers that the assumptions in the assessment around rental yields, initial void periods and net capitalisation are fair.

4.13 Whilst the application building was not openly marketed the applicant argues that the building would be unprofitable for office use by virtue that any valuation must be considered on the basis of residential value because of permitted development rights (from office to residential - Class O, General Permitted Development Order - 2015). Therefore the value of purchase (and the rental income required from office space) is considerably more than were residential use not an option. As stated, 'if an office developer were to make an offer below the residential value then quite clearly they would be unsuccessful - and outbid by a residential developer'.

4.14 In addition in the submitted viability information there is no suggestion that there is lack of demand for office space, nor that strong rental yields could be achieved; only that once purchase at a value which is competitive to residential development, and rental yields are factored in, there is minimal capital available to actually convert the building to grade A offices. The Economic Development Unit consider that the assessment is in keeping with wider evidence and independent property studies, that there is indeed demand for city centre grade A office space and at strong rental yields, but that residential (or other commercial) uses are considerably more profitable, so that in locations in York where there is residential demand and permitted development rights apply, it is difficult for office development (especially where conversion to higher quality specification) to compete commercially and therefore be viable from a developer perspective. The applicant argues that it is unlikely that a commercial developer would ever seek to create a substantial sized, high quality Grade A office building (either new build or conversion) on a speculative basis.

4.15 The proposed change of use would result in a significant loss of office space and with regards to city outcomes around wages and high value jobs, office space would still be the preferred use for Yorkshire House. The proposed hotel use would provide approximately 140 jobs. By virtue of the viability assessment and the evidence provided, it would be difficult to oppose change away from office which in competition with residential property values and current market conditions has been shown to be insufficiently profitable and therefore unviable from a developer perspective. The proposed use would bring the building back into use. In addition the applicant has prior notification under the General Permitted Development Order for the conversion of the building as residential use and a planning permission granted earlier this year for a change of use of the building to a hotel together with a 6 storey extension. Officers consider, without adopted local policy that it would be difficult to defend a refusal on the basis of loss of office space in this case.

HOTEL DEVELOPMENT

4.16 The NPPF considers tourism related developments such as hotels to be a main town centre use. As a town centre use hotel development plays an important role in supporting the economic well being and vibrancy of York's city centre. By virtue of the city centre location a sequential test is not required.

4.17 Policy V1 'Visitor related development' of the Development Control Local Plan (2005) advises that visitor related development will be encouraged providing; there are adequate servicing arrangements, the site is accessible by public transport, whether highway safety would not be compromised, where development would improve the prosperity of the cities tourism industry and economy, and when there is no adverse impact on amenity and the setting.

4.18 Policy V3 of the Development Control Local Plan (2005) relates to new hotels in the city. V3 states planning permission for hotels will be granted provided the proposal:

- Is compatible with its surroundings in terms of siting, scale and design;
- Would not result in the loss of residential accommodation;
- Would not have an adverse effect on the residential character of the area;
- Is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions

4.19 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel (and ancillary restaurant, bar and coffee shop) in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Development Control Local Plan (2005) Policies V1 and V3. The proposed hotel is considered to have a neutral if potentially positive impact to the vitality and viability of the area. The introduction of windows in the north east elevation and the landscaping to the north west elevation will provide more visual interest at ground floor level, the proposed use will provide more footfall in the area during later hours.

4.20 The visual impact of the development, servicing and amenity are assessed in the other sections of the report.

4.21 The applicant states that their intention is that the hotel will be of 5* quality. The applicant is confident that there is a market for 4*/5* hotel accommodation and this view is not challenged. The York Tourism Accommodation Study (July 2014) has aims of increasing the number of 4*/5* standard accommodation however the star rating of the hotel can not be ensured. If the principle of a hotel is considered acceptable, it is therefore considered unreasonable to condition the hotel be 4*/5* quality.

IMPACT ON HERITAGE ASSETS

4.22 The site is within the Central Historic Core Conservation Area and it is within an Area of Archaeological Importance. It is also forms part of the setting of the Grand Hotel to the south west and south is Grade II* listed. At the time of writing a number of extensions to the Grand Hotel are under construction. To the north east 15, 16, and 17 Rougier Street are Grade II listed. In the wider area there are a significant number of listed buildings. The City Walls - an ancient scheduled monument lies to the north and north-west of the site.

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

4.24 The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise paragraph 129. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits; where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance, paragraph 137.

4.25 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being

granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.26 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss.

4.27 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Development Control Local Plan (2005) policies HE2, HE3, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

- Listed Buildings

4.28 The NPPG states that "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

4.29 The proposed development is not considered to harm the setting or special interests of the Grade II listed 15, 16, and 17 Rougier Street.

4.30 The proposed single storey extension to the south west would be set below the recently constructed dining room extension to the Grand Hotel (Grade II*listed) and reflects the height difference between the sites. The proposed extension and The Grand Hotel dining room extension would have a similar set back from the Station Road elevation. The Conservation Architect does not consider the single storey extension of the south west causes harm to the character, appearance or setting of the adjacent listed building.

4.31 There would be limited views of the roof top extension and canopy in the immediate locality. The existing building has removed views from The Grand Hotel of York Minister. The roof top extension would be visible from the upper rooms in The Grand Hotel however by virtue of tall height, mass, and scale of the existing building it is considered that the roof extension would not result in further harm to the setting of the adjacent Grand Hotel. The Conservation Officer does not consider that the roof top extension affects the setting of the adjacent listed buildings.

4.32 The proposed cumulative development is not considered to result in harm to the character, appearance or setting of the adjacent listed buildings.

- Ancient Scheduled Monument

4.33 By virtue of the setting back of the extension into the plot it is not considered that the proposed development would result in harm to the visual amenity of the city walls, or impact on the setting of the walls. The Conservation Officer does not consider that the roof top extension or the ground floor alterations to the Station Road elevation would affect the character, appearance or setting of the city walls.

- Archaeology

4.34 Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.35 This site lies within the Central Area of Archaeological Importance in the former area of the Roman civil settlement (Colonia). Archaeological excavations in the 1980s in advance of the construction of Roman House (adjacent) revealed up to 7m of archaeological deposits including evidence of Roman timber and masonry buildings. Excavations in the adjacent hotel in 2009 recorded medieval structural remains at c.11m AOD. These excavations revealed that there was a steeper slope towards the river during the medieval period.

4.36 An archaeological evaluation was carried out on the site in 2009. This revealed Roman structural remains including degraded concrete and mortar floors at a height of 7.5-8 AOD. The Roman structural sequence was truncated by shallow pits containing medieval pottery, sealed by medieval dumps and 19th century demolition material. The current application was accompanied by an archaeological desk-based assessment.

4.37 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. The information supplied by the applicant demonstrates that the site has the potential to preserve undesignated heritage assets of national importance. Evidence has been submitted to indicate no further foundations would be required

for any of the works. Therefore, the significant Roman archaeological deposits present on this site are unlikely to be effected by the proposed development. Some invention would be required to allow the lift shafts to go down to the lower ground floor level. The Archaeology Officer advised that the excavation of these lift pits and any new trenches needed for the provision of services for the proposed WCs and showers should be monitored archaeologically. It is considered that the Archaeology Watching Brief can be sought via condition.

- Central Historic Core Conservation Area

4.38 The application site is within the Central Historic Core Conservation Area. The Central Historic Core Conservation Area Appraisal (2013) sets out important considerations for the area which must be met by any new development. The site falls within Character Area 22 Railway Area, it is recognised that this part of the area is characterised by large office development, in many instances, the buildings have a poor relationship with the street. The public realm to the north and north west is a priority for public realm improvements. The key views from Station Rise and the City Walls of the Minster are considered to be of high importance and development that would negatively affect these views will not be allowed.

4.39 The proposed use of the building would not affect the conservation area or its character. The proposed south west extension would be set back from the Station Rise elevation and would not be visible or have little presence in the key views of the Minster. The Conservation Officer considers that the proposed south west extension would not result in harm to the character, appearance, or setting of the conservation area.

4.40 The existing height of the building including the service enclosure is 42.2 metres in height, there are a number of aerals, plant, etc on the roof which has a cluttered appearance but the views beyond them are still retained. The existing service enclosure is set back between 7 and 12 metres from the parapet. The proposed roof top extension including plant enclosure would result in a building of 44.3 metres in height. A viewing terrace /seating area are proposed to the northwest part of the roof with a metal and glass canopy. With the exception of the outside seating area the majority of the proposed roof top extension would be set back 1.4 metres from the parapet. As such whilst only slightly taller than the existing service enclosure on the roof the proposed roof top extension would have a much greater impact than the existing. The proposed roof top extension is pulled back from north east and whilst it would be visible in the key view of the Minister from the walls it is not considered to be unduly prominent. English Heritage have raised concerns regarding the proposed roof top canopy they question the justification and state that he canopy would appear a 'fiddly'/ 'fussy' and would clutter the lines of the roof and weaken its visual design, to the detriment of the conservation area. York Civic Trust is concerned that it would be visible from the city walls and from other key viewpoints.

4.41 The proposed roof top extension and the canopy is considered to result in harm to the conservation area; the harm comes from how the conservation area is appreciated travelling from city centre along a primary bridge, the city walls, to the station, and travelling from the station to the city - a key route. The proposed extension would result in an increase in bulk and massing of an already large building in a sensitive setting; the extension would appear uncharacteristic and damage the experience of the conservation area. The harm can not be eliminated due to the nature of the proposal. In addition potential night time illumination would impact of the night time ambience of the conservation area. The Conservation Officer considers that the harm to the conservation area as a result of the roof top extension and canopy is at the lower end of 'less than substantial'.

4.42 The NPPG states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

4.43 The applicant has submitted 2 no. Prior Notifications for the change of use of the building from offices to apartments. The Prior Notification consents would create up to 66 flats which are considered to have some public benefit by virtue of adding to the housing stock, although this would not include affordable housing. As such the applicant has submitted evidence that the building is capable of a viable conversion without the need to extend and thus impact on the setting of the conservation area. Thus it is concluded that the residential development within the existing envelope is viable. It should be noted that a previous planning application for the use of the building as a hotel with a 6 storey side extension has been granted planning permission 16/01976/FULM.

4.44 The hotel would provide additional accommodation and has the potential to bring additional number of tourists to the city. The hotel is proposed to be 4* and it is an aim of the Council (York Tourism Study) to increase the number of 4*/5* establishments, however as set out in paragraph 4.21 the quality of the hotel can not be subject to conditions and the proposed and future occupiers may change. There would be additional spend from the tourists however the use of the building as flats or offices would also provide a number of people living/working in the city and the spend that would bring to the city centre. The proposed hotel would create 140 employment opportunities (an increase on the previous application of 80 - 90 potential jobs) and it is the re-use of a currently vacant building. The 'Sky bar' has the potential to become a quality destination. The applicant argues that the level of accommodation (which is a reduction on the previous application) including the extensions is required to attract the 4* hotel operator.

FLOOD RISK

4.45 The NPPG advises that a site specific FRA must -

- Identify the flood risk
- Where appropriate, demonstrate how land uses most sensitive to flood damage have been placed in areas within the site that are at least risk of flooding
- Flood risk management measures to make the development safe
- Ensure no increased flood risk elsewhere and where possible reduce risk
- What flood-related risks will remain during the lifetime of development, and how will these risks be managed? (E.g. flood warning and evacuation procedures)

4.46 Paragraph 104 of the NPPF states that applications for a change of use should not be subject to sequential or exception tests. The upper ground floor extension to the south west whilst exceeding 250sqm is within Flood Zone 1 as such a sequential test is not required for this element. However the roof top extension exceeds 250sqm in footprint and is within the area shown as Flood Zone 2 and 3 of the Environment Agency flood risk maps and therefore requires a sequential test to be undertaken.

4.47 The NPPG states that it is for LPAs, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). This indicates that priority should be given to allocating sites for development in descending order to the 'Flood Zones' set out in the CYC Strategic Flood Risk Assessment.

4.48 The NPPG states that "When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere." The proposal as a whole would result in an increase in the vulnerability classification from 'Less Vulnerable' to 'More Vulnerable'. The proposed extensions are to an existing building already sited within Flood Zone 2 and 3. In this case the site has historically been developed and currently accommodates a large building covering nearly the entire proposed site. The proposed development would bring into use a vacant building; the proposed use would be beneficial to the York Economy. It is on these grounds that the sequential test is passed.

4.49 In the NPPF it sets out that for the Exception Test to be passed:

- must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.50 The hotel would provide additional accommodation and has the potential to bring additional number of tourists to the city. There would be additional spend from the tourists and would also provide a number of people living/working in the city and the spend that would bring to the city centre. The proposed hotel would create 140 employment opportunities and it is the re-use of a currently vacant building.

4.51 According to the NPPG for buildings to be safe for their lifetime, the impact of climate change needs to be considered. To be safe from flood risk, buildings should be designed to avoid/be resilient to flooding and there should be means of escape during 1 in 100 ('design') flood events, and plans in place for evacuation if there is an extreme flood.

4.52 The site lies within Flood Zone 1, 2, and 3. Flood risk is from the River Ouse to the north east. The 1 in 100 year flood level is 10.53 AOD, 10.95 AOD with 20% climate change and 11.94 AOD with 50% climate change, and is anticipated to have a lower level of 11.64m AOD during the 1 in 1000 year flood event. Ground levels on site range between 9.46m AOD and 12.50m AOD. The upper ground floor level within Yorkshire House has a lobby area of 11.45m AOD which steps up to 12.50m AOD. The City of Council York Strategic Flood Risk Assessment recommends finished floor levels are a minimum of 600mm above the modelled 1 in 100-year flood level; which would equate to 11.55 AOD. This is not proposed, however flood resilient design measures are proposed, to defend up to 11.94m AOD and there would be no residential accommodation on the lower or upper ground floor.

4.53 Alternative egress is available from the rear of the building via the hotel drop off entrance. The threshold level is identified to be 12.50mAOD; which is elevated above all modelled flood events. The route away from the building leads down a ramped access into Station Road. The footpath level at the base of the ramped access is 11.73m AOD; which is elevated above all of the modelled flood events; up to and including the extreme 1 in 1000-year event. This access route is located within Flood Zone 1 (low flood risk).

4.54 The proposal and the mitigation measures set out in the FRA meet the requirements in the NPPF in terms of providing a means of escape and being safe for its lifetime. The Environment Agency does not have an objection to the

application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. In view of the above it is considered that the proposed development passes the exception test. An informative should be added to the decision notice alerting the developer/hotel operator that it is their responsibility to have a Flood Evacuation Plan in place.

4.55 There is no increase in the impermeable surfacing. There would be no change in flood risk elsewhere due to no change in surface water run-off rates.

VISUAL AMENITY AND CHARACTER

4.56 Yorkshire House dates from the late 1960s and the design is representative of that period. In this area many of the buildings are of a greater height and scale than is typical in the rest of York. The building forms part of key views of the Minister from the city walls. The building is prominent within the public realm. The roof top extension would be used as bar area with an inside and outside seating area. The roof top extension is set back from the north west part of the roof, a glass and metal canopy is proposed it is not considered to be unduly prominent in the views of the Minister from the walls. In views of the building the proposed roof extension would appear above the natural architectural terminus of the design of the building. The design of the extension whilst representative of current architecture also reflects the stark functionality of the existing building's form. In intermediate views, the rooftop extension would become more visible. The details and quality of the materials will be key to the success of this part of the development. In addition is considered necessary to condition that all plant, machinery, aerials are set within the plant enclosure and would not be visible from the wider area, to maintain the clean lines of the proposed extension.

4.57 As a canopy is proposed to the roof top it is unlikely that there would be a requirement for further parasols etc to the outside seating area, however it is necessary to restrict this via condition. How the proposed roof top extension will be externally illuminated will be an important aspect to the development not becoming unduly prominent within the skyline. These external lighting details can be sought via condition.

4.58 The proposed upper ground floor extension to the south west elevation by virtue of its height and is set back from the south west elevation of the original building has a subservient relationship to the main building. The proposed extension has a similar building line to the neighbouring Grand Hotel dining extension and is set down in height from the neighbouring extension. It is considered that the single storey extension would fit comfortably when viewed in context. The design of the extension is considered to respond better to its surroundings than the 6 storey extension allowed in the previous planning permission (16/01976/FULM). The proposed extension is not considered to result in visual harm from the public realm.

The details and quality of the materials will be key to the success of this part of the development and these can be sought via condition.

4.59 The introduction of glazing at first floor level in the Rougier Street and Station Rise will be the scale of the existing recessed panels. It is considered that this would create interest to the ground floor level and is considered to be a positive addition. The raised plinth for the outside seating area together with the soft landscaping would be within the curtilage of the building and does not form part of the formal highway, it is considered that it would create visual interest and would be an enhancement to the existing. However it is considered necessary to condition details of the railings etc to ensure their appearance is appropriate to the development and the area.

IMPACT ON NEIGHBOURING USES

4.60 There are flats to the north east on Rougier Street opposite the main entrance of the proposed hotel. It is not considered that the use of the building as a hotel will have a further impact on the residential amenity on the occupants than the previous office use

4.61 There are a number of offices opposite the proposed site on Rougier Street, the proposed hotel use is unlikely to cause a disturbance and the office use is unlikely to impact on the workings of the proposed hotel.

4.62 The proposed hotel would be adjacent to the 5* Grand Hotel, and the proposed hotel is a 4*/5* it is likely they will compete for the same market. The NPPF states that LPAs should promote competitive town centres that provide customer choice; and retain and enhance existing markets and, where appropriate, ensuring that markets remain attractive and competitive. LPAs should support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. The applicant is confident that there is a market for 4*/5* hotel accommodation and this view is not challenged.

4.63 The proposed south west extension would bring the resulting building closer to the Grand Hotel, however by virtue of the proposed extension set at a lower height than the neighbouring Grand Hotel dining room extension it is not considered to result in overlooking. The proposed extension would be adjacent to the Grand Hotel dining room, there are no windows in the elevation facing the proposed extension as such it is not considered there is harm to the use of this part of the Grand Hotel.

4.64 The minimum distance between proposed hotel rooms windows in the south west elevation and the Grand Hotel rooms is approximately 21 metres, the distance

to the proposed roof top extension is circa 22.4 metres. The distances are considered to be sufficient to remove the concerns of overlooking.

4.65 The Grand Hotel is currently undergoing extension with the conversion and extension of Roman House, the minimum distance between each hotel room at its distance is 6.5 metres. If this was residential this would not be acceptable. However, a hotel use would only give rise to visitors using the rooms on a short term basis and so the same level of amenity expected with residential is an unreasonable expectation. The distance would be the same if the building was retained as office use. Therefore it is not considered a refusal could be upheld on this basis.

4.66 The change of use and the proposed extension are not considered to impact on the use and therefore economic viability of the adjacent hotel/listed building , as such in approving this application it is not considered to unduly threaten its ongoing conservation than a 4*/5* hotel elsewhere in the city.

HIGHWAYS

4.67 The National Planning Policy Framework advises that developments should:

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

4.68 The servicing will be via a lane from Rougier Street. It is likely that there would be an increase in the number of servicing vehicles. The access is close to a bus interchange on Rougier Street which attracts many pedestrian movements. Unlike the adjacent Grand Hotel which uses this access road, no turning is provided off highway for lorries. The access is close to a bus interchange on Rougier Street which attracts many pedestrian movements. Unlike the adjacent Grand Hotel which uses this access road, no turning is provided off highway for lorries. This is considered to lead to vehicle/ pedestrian conflicts across the entrance due to reversing manoeuvres. To mitigate the effects on pedestrians/ reversing vehicle conflicts, the applicant has agreed to improvement to this access which can be sought via condition.

4.69 The Highways Network Management Team consider there is sufficient cycle and car parking for the use of the building purely as a hotel in this highly sustainable location. Details of the stands can be sought via condition.

4.70 Whilst there would be an increase in the number of servicing vehicles it is not considered that the proposed hotel would result in a significant increase in traffic in the surrounding area resulting in harm. The site is a city centre location close public

transport links. Whilst the number of parking spaces on the site is restricted to 7 there are a number of public and private car parks in close proximity.

4.71 Refuse bins will be stored within the building envelope, as the previous use and will be collected from the lower ground floor vehicle access.

AIR QUALITY

4.72 Paragraph 123 of the NPPF requires that adverse impacts on health and quality of life are mitigated and reduced and that planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. Policy GP4b requires proposals for development within AQMA to assess their impact on air quality. The building falls within City of York Council's Air Quality Management Area (AQMA). The Public Protection team advise a hotel is not considered to be a 'relevant location' in terms of the annual mean nitrogen dioxide objective (unless someone lives there as their permanent residence) but would be considered a relevant location in terms of the hourly mean nitrogen dioxide objective. A hotel use would generally be regarded as a lower category of sensitivity compared with a residential dwelling, due to the reduced period of occupancy.

4.73 The CYC undertake monitoring of nitrogen oxide opposite this site on Rougier Street. The monitoring is currently showing that although levels of nitrogen dioxide are breaching the annual mean objective, they are not indicating breaches of the hourly mean objective. However as the proposed use is as a hotel Public Protection do not require any mitigation

4.74 Public Protection has requested facilities for the re-charging of electric vehicles. On the basis of the number of parking spaces provided at least one bay is required for the hotel. It is considered that this is in line with the NPPF and the Councils low emission strategy. It is considered that this can be sought via condition.

NOISE

4.75 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, paragraph 123 and Policy GP1 of the Development Control Local Plan (2005) requires that there should be no undue adverse impact from noise disturbance. Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

4.76 A noise assessment was submitted with the application and provided details of background noise monitoring undertaken within the existing property and to the rear of the property demonstrated that during the day time and night time periods internal noise levels on all levels of the existing property and proposed extension could comply with the requirements for internal Leq levels in dwellings set in BS8233:2014 and the WHO Guidelines on the basis that suitable glazing and ventilation were provided.

4.77 As part of the application a seventh floor addition is proposed to incorporate a 'sky bar' and roof top terrace. Around the external seating area a glass balustrade is proposed and within the assessment it is assumed that this would provide approximately 5dB attenuation on any noise levels arising from the roof. In addition the sound level from the noise source would reduce further given the 22 metre distance between the source and the nearest window to the Grand Hotel. The noise assessment predicts that use of the roof top terrace external seating area would have negligible impact during peak use. In terms of the coffee shop terraced area the report shows that this would be unlikely to have any impact. The Public Protection team are satisfied with the conclusions of the report and that the use of the external areas will be unlikely to affect amenity. They request a condition be attached to any permission granted in order to ensure any music noise does not result in loss of amenity.

4.78 The kitchen is to be provided on the lower ground floor and it is anticipated that external plant and equipment for other purposes, such as air conditioning, is likely to be installed as well. The nearest receptor to any plant proposed is likely to be at the Grand Hotel. Public Protection considered that given the location of the site, the location of proposed plant, the existing users in the area and the likely consistency of the noise source, that the normal plant limit of not exceeding the background level could be relaxed on this case. The noise assessment states that a level of 5dB above background would be considered the Lowest Observable Adverse Effect Level in the circumstances and that 10dB above would be the maximum allowable plant not rating at which Significant Observed Adverse Effect may occur. The report then states that a suitable plant limit of 76dB(A) during the day and 73dB(A) during the night time would be acceptable, this being 10dB above the background measured L90 levels at NSR2. Whilst the noise survey would indicate that at the Grand Hotel Façade this would relate to a limit of 50dB(A) during the day or 47dB(A) during the night, which is similar in level to the measured Leqs during those time periods. Public Protection consider a relaxation of the criteria of 10dB above the background level has the potential to cause amenity issues and request a condition allowing levels not to exceed background levels by 5dB.

4.79 The third bullet point of paragraph 123 of the NPPF is pertinent: "...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".

In allowing a hotel use in this location this may potentially impact on the surrounding business activities of the surrounding late night businesses and prevent any further development of those businesses. Therefore ensuring (via condition) that building envelope is constructed to achieve a maximum internal noise level would reduce this potential. It is not considered that the use of the building as a hotel will unduly impact further on neighbouring properties than the previous office use in terms of noise.

4.80 The extract from the kitchens would be directed through the central core of the building and no extraction flues on the side of the building will be required. Any such external flue proposed in the future would require separate planning permission.

SAFE ENVIRONMENTS

4.81 There is a requirement on the LPA to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions. Given the surrounding uses and the late night economy of the area there may be issues. The PALO submitted a report showing that between 01.06.2016 and 31.05.2017 there were 148 incidences of reported crime and 91 reported incidences of Anti Social behaviour and stated that the level of crime was 'extremely high' in this locality. With regards to the reported crime the majority of the reported crimes took place between 21.00 and 04.00 hours.

4.82 The application premises are situated within the City of York Council's Cumulative Impact Zone. City of York Council as Licensing Authority under the Licensing Act 2003 has in place a special cumulative impact policy for the area. This policy identifies the area as being under 'stress', because the cumulative effect of the concentration of late night and entertainment premises. As the PALO states, outside the Planning regime any premises license granted may be subject requiring the installation of CCTV which may assist in addressing any issues immediately outside the building. However it is considered that hotel users would be aware of the city centre location and the surrounding late night uses and the potential problems that arise in the proximity of such uses. As such it is considered that refusing the planning application on the fear of crime could not be reasonably defended at appeal.

SUSTAINABILITY

4.83 Policy GP4a 'Sustainability' of the Development Control Local Plan (2005) requires issues of sustainability to be considered within planning applications. The site is in reasonable proximity to the train station, and regular bus routes. A limited number of vehicle parking is provided on site however there is an NCP car park in close proximity. The site is in close proximity to shops and other amenities. The site

is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site. The development would also benefit from covered and secure cycle parking.

4.84 Due to the scale of the development, according to York's Supplementary Planning Document on Sustainable Design and Construction, it would be a requirement that the extensions achieve a BREEAM rating of Very Good. The supporting information indicates that the proposed development can achieve BREEAM very good and it is considered necessary to condition this to ensure it is undertaken.

5.0 CONCLUSION

5.1 The loss of the office space and the requirement for the hotel is accepted. However the roof top extension is considered to result in 'less than substantial harm' to the character and appearance of the Central Historic Core Conservation Area. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The economic benefits set out in the above report (para 4.44) are cumulatively considered to provide such public benefit as to outweigh the less than substantial harm to the character and appearance of the conservation area.

5.2 Approval subject to the following conditions is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number 109 Revision C 'Lower Ground Floor (Level LG) Proposed GA' received 18 August 2017;

Drawing Number 110 Revision D 'Ground Floor (Level G) Proposed GA' received 25 August 2017;

Drawing Number 111 Revision E 'First Floor (Level 1) Proposed GA' received 25 August 2017;

Drawing Number 117 Revision D 'Seventh Floor (Level 7) Proposed GA' received 25 August 2017;

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Drawing Number 118 Revision D 'Roof Plan (Level 8) Proposed GA' received 25 August 2017;
Drawing Number 121 Revision C 'Proposed Elevation North-East' received 18 August 2017;
Drawing Number 122 Revision C 'Proposed Elevation South-East' received 18 August 2017;
Drawing Number 123 Revision D 'Proposed Elevation South-West' received 25 August 2017;
Drawing Number 124 Revision C 'Proposed Elevation North-West' received 18 August 2017;
Drawing Number 125 Revision C 'Elevation Comparison North-East' received 21 August 2017;
Drawing Number 126 Revision C 'Single Storey Extensions' received 18 August 2017;
Drawing Number 127 Revision C 'Skybar & Terrace Sections' received 18 August 2017;
Drawing Number 131 Revision D 'Station Rd Part Elevation & Extension details Elevation' received 24 August 2017;
Drawing Number 132 Revision C ' Proposed Elevation 7th Floor Sky Bar' received 18 August 2017;
Drawing Number 133 Revision C 'Landscaping Layout Station Road Layout' received 24 August 2017;
Drawing Number 134 Revision B 'Skybar Terrace canopy details' received 18 August 2017;
Drawing Number 5283-M-520 Revision A 'Roof Level - Plant Layout Sheet 1' received 21 August 2017
Drawing Number 5283-M-521 Revision A 'Roof Level - Plant Layout Sheet 2' received 21 August 2017

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used (including details of the balustrades, access ramp, windows, plinth for the outside seating area, the permanent planters) 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.

For component repairs and repatching (e.g. removal of escape staircase and making good) a sample and details of the proposed external material to be used shall be submitted to and agreed in writing by the Local Planning Authority, to ensure that it is a good match for the existing. The development shall be carried out using the approved materials.

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

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

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

Reason: This site lies within the Central Area of Archaeological Importance in the former area of the Roman civil settlement (Colonia) and the development will affect important archaeological deposits which must be recorded during the construction programme. In addition, it lies within the Central Historic Core Conservation Area and faces the Scheduled City Wall and Grade II* listed Grand Hotel. There are no plans to extend the depth of the current foundations nor to provide any new foundations for the proposed works. Therefore, the significant Roman archaeological deposits present on this site are unlikely to be effected by the proposed development. The proposals do include the provision of a lifts in the basement. The excavation of these lift pits and any new trenches needed for the provision of services for the proposed WCs and showers should be monitored archaeologically.

5 Prior to the first use of the building as a hotel a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs of the landscaping to the Station Rise/North West elevation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall also include hard/soft landscape details of the upper ground floor/external vehicle parking area, this shall include some soft landscaping.

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

Reason: So that the Local Planning Authority may be satisfied with the variety,

suitability and disposition of species within the site. The Station Rise/North West elevation is prominent within the Central Historic Core Conservation Area and in key views of the Minister and the city walls (ancient Scheduled monument), therefore details are required to ensure the planting is visually acceptable.

6 The development shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment by Flood Risk Consultancy Limited (2017-063 Revision A dated 30/05/2017) received 15 June 2017, in particular the flood mitigation measures identified in Part 7.

Reason: To ensure the development is safe from flood risk, in accordance with paragraph 103 of the National Planning Policy Framework.

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

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' and Part 10 of the NPPF.

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

- (i) Balustrades / glazed screens to external ground floor terrace and planting areas, to stairs and ramped access to the front access (to include manufacturer's details if applicable).
- (ii) Details of outside café seating area, including section
- (iii) Section through proposed ground floor windows in north east elevation
- (iv) Details of the proposed railings at ground floor level
- (v) Detailed sections of the upper ground floor/south west extension- including sections through the front/north west elevation, sections should also include the

connection to the original building, and a section through the side/south west elevation, and a section detailing including its connection to the existing building

(vi) Detailed sections of the roof extension and part bay elevation of the roof extension

Reason: Some of the plans lack clarity; additional details are required so that the Local Planning Authority may be satisfied with these details and the appearance of the development, in the interests of the character and appearance of the conservation area. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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

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

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

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 bowsers and spraying, location of stockpiles and position on site. Details shall 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. All monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures

employed (if any).

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.

Details shall be provided of the complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept.

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

10 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved hotel rooms/sleeping 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. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

INFORMATIVE: The building envelope of all hotel 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 LAFMax level during the night (23:00-07:00 hours) should not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period in bedrooms. These noise levels shall be observed with all windows shut in the sleeping accommodation and other means of ventilation provided.

Reason: To protect the amenity of hotel residents and guests, to protect the existing surrounding businesses, and to comply with paragraph 123 of the National Planning Policy Framework to protect the existing business. The information is sought prior to first use to ensure that the works are undertaken at an appropriate point in the development procedure.

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades by more than 5dB when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. For this site this relates to a rating level not exceeding 45dB(A) during the daytime or 42dB(A) during the night time at the nearest noise sensitive receptor

REASON: To safeguard the amenity of occupants of neighbouring premises. To comply with Core Principles and Part 11 of the NPPF.

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

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

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

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

measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Part 11 of the NPPF.

14 One electric vehicle recharging point should be installed prior to first use of the hotel use. The location and specification of the recharge points shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. The details shall also allow for increased demand in future years, appropriate cable provision shall be included in the scheme design and development, to allow further recharge points to be added if demand necessitates this. Prior to first use of the hotel, an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework. The information is sought prior to first use to ensure that the electric vehicle recharging point is initiated at an appropriate point in the development procedure.

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

Monday to Friday 07.00 hours to 19.00 hours
Saturday 07.00 hours to 13.00 hours
Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of occupants of neighbouring and nearby buildings

16 Upon completion of the development, no deliveries shall be taken at or dispatched from the site outside the hours of:

Monday to Friday 07:00 hours to 23:00 hours
Sundays and Bank Holidays 09:00 hours to 18:00 hours

Reason: To protect the amenity of occupants of neighbouring and nearby buildings

17 Prior to the first use of the roof top (sky bar) extension details of any external lighting shall be submitted to and approved in writing by the Local Planning

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Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting associated with that extension. The development shall be carried out in accordance with the approved lighting scheme.

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

The external illumination shall be switched off when the sky bar roof top extension is not in use.

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed building and ancient scheduled monument. Night time illumination may potentially impact on the night time ambience of the conservation area. To ensure that the proposed development is not unduly prominent within conservation area and wider views of the city.

18 The resulting height of the building including roof top plant enclosure shall not exceed 44.3 metres AOD, the proposed plant (included the portrayed height of the plans/machinery) shall be as shown in drawing numbers 5283-M-520 Revision A and 5283-M-521 Revision A (both received 21 August 2017). Any subsequent plant, machinery, aerials etc shall be sited within the plant enclosure only and shall not exceed the height of the enclosing plant screen as set out in Drawing Number 125 Revision C (received 21 August 2017).

Reason: The site is within a conservation area and within the setting of a listed building and ancient scheduled monument. Additional structures/paraphernalia may exacerbate the prominence of the roof top extension/development and would create a cluttered appearance to the further detriment of the conservation area and wider views of the city.

19 With the exception of the canopy approved on the roof top seating area (in Condition 2) there shall be no parasols/canopies/sunshades or any other paraphernalia that would be taller than the enclosing parapet wall of the outside roof top seating area

There shall be no parasols/canopies/sunshades or any other paraphernalia (with the exception of seats and chairs) in the ground floor outside seating area to the Station Road/North West elevation.

Reason: The site is within a conservation area and within the setting of a listed building and ancient scheduled monument. Additional structures/paraphernalia may exacerbate the prominence of the development and would create a cluttered appearance to the further detriment of the conservation area and wider views of the city.

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

(i) Works to include removal of radius kerbs and tactiles and installed dropped crossing in material to complement existing footway as shown in Drawing Number 1609501b 'Proposed Access Improvements' received 08 August 2017.

Reason: In the interests of the safe and free passage of highway users.

21 Prior to the commencement of any works on the site, 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.

The statement shall include at least the following information;

- A dilapidation survey jointly undertaken with the Local Highway Authority
- The routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- How vehicles are to access and egress the site
- How pedestrians are to be safely routed past the site
- Details of any implications to the highway of demolition and waste removal vehicle operation
- Where contractors will park to avoid affecting the highway
- How large vehicles will service the site
- Where materials will be stored within the site
- Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

22 HWAY19 Car and cycle parking laid out

23 Prior to the first occupation of the development details of the cycle stands or fixings within the cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved details have been provided, and the cycle parking area 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.

24 All electronically amplified music emitted from the premises shall be played or reproduced through loud speakers and a tamper proof noise limitation device. The device, the levels set and the installation shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved commences. Thereafter the approved levels, equipment, installation, position and type of speakers shall be maintained in accordance with the planning permission; at no time shall they be modified without the written approval of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

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

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

- Sought revisions to the proposed development
- Sought additional information
- Use of conditions

2. INFORMATIVE:

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

3. DISPOSAL OF COMMERCIAL WASTE INFORMATIVE

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

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

Section 47 of the Environmental Protection Act 1990

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

4. INFORMATIVE

Notwithstanding the approved plans the adverts indicated on the elevations will likely require advertisement consent.

5. HIGHWAY INFORMATIVE

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

Section 278/62 – highwaydc@york.gov.uk

Streetworks Special Permission – streetworks@york.gov.uk

Contact details:

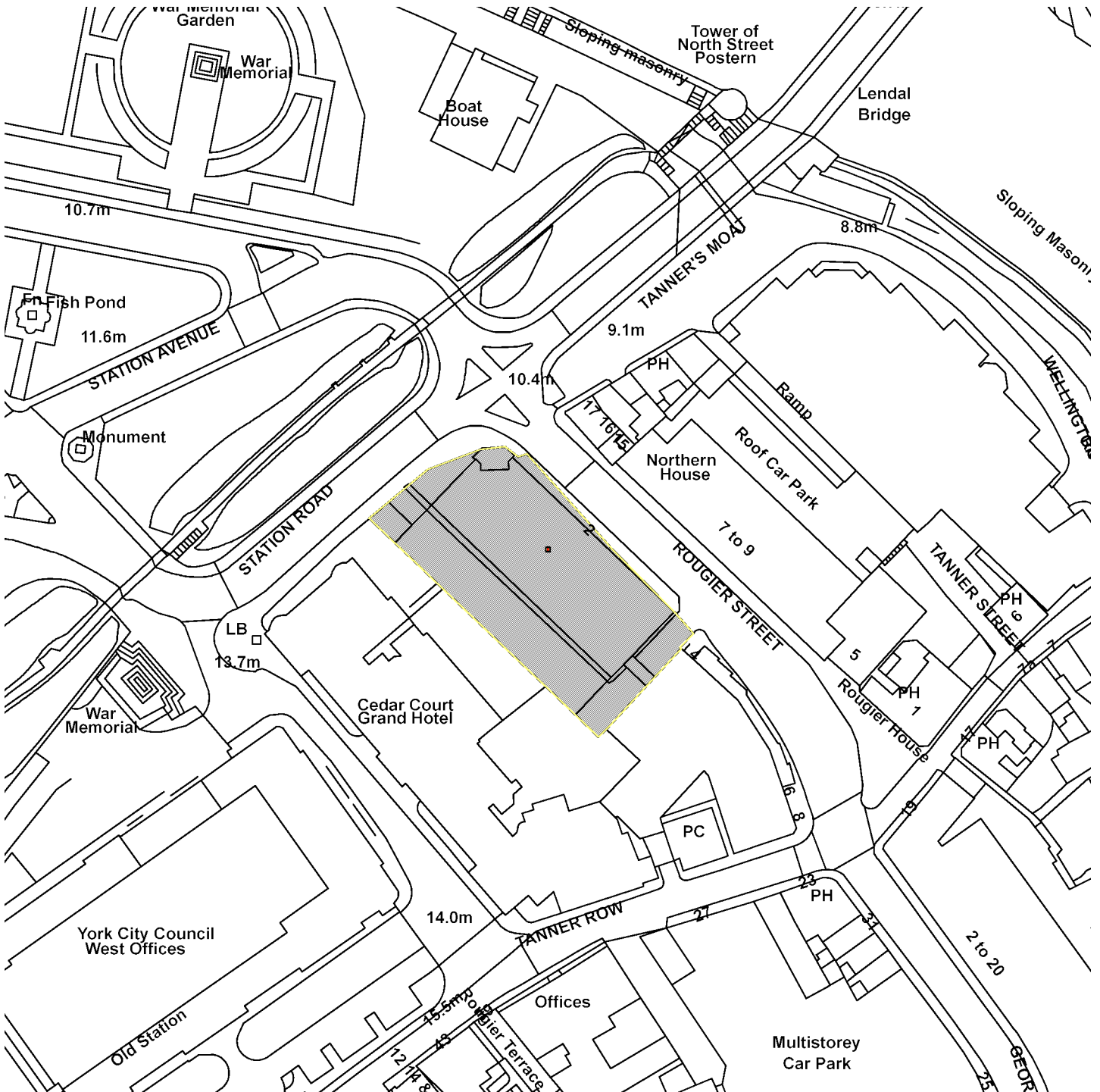
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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17/01228/FULM

Aviva, Yorkshire House, 2 Rougier Street



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	06 September 2017
SLA Number	Not Set

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DELEGATED REPORT

Date: 14 September 2017 **Ward:** Rawcliffe And Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 17/00886/FULM
Application at: Galloway House Lysander Close York
For: Erection of motor dealership providing sales and servicing, repair, MOT facilities, wash and valet, vehicle preparation and external car displays
By: Mr George / Martin Cornwall-Legh / Wheatley
Application Type: Major Full Application (13 weeks)
Target Date: 15 September 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a new car dealership on a cleared site with associated car repair workshop and parking within the Clifton Moor Industrial Estate.

1.2 The site will access off Lysander Close via Kettlestring Lane but will front on to Clifton Moor Gate. Clifton Moor Gate has a number of car dealerships already on the South side of the road while the North side has a more office based character with some light industrial units. The site itself was previously occupied by small two storey office buildings which have now been demolished.

1.3 The proposed car sales building facing on to Clifton Moor Gate will be two storey block with glazing to ground floor. It is to be clad in dark grey panelling with relatively subtle signage at a high level. The signage will be submitted in a separate application. To the rear, the servicing areas are clad in a lighter grey material and are slightly lower in level. The building conforms to Jaguar Land Rover's very specific branding policy.

1.4 Parking is situated to sides and rear of the building with the service area being within a secure compound. The front of the site will be landscaped with tree planting alongside the vehicle display areas and the section in front of the showroom planted with a low level shrub and grass mix.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

For policy context please see Appraisal at Section 4.

3.0 CONSULTATIONS

INTERNAL

Landscape

3.1 The details received are acceptable in terms of the landscape scheme. All frontage trees were removed prior to application (none were covered by a TPO). The frontage will be replanted with a mix of native hedge, shrubbery and large trees. This is suitable to the proposed use and location. A condition is recommended.

Public Protection

3.2 No objection in principle subject to suggested conditions to protect neighbouring amenity.

Highway Network Management

3.3 Details relating to the vehicular access off Lysander Close and internal arrangements are considered acceptable. A pedestrian link from the site to Clifton Moor Gate is still being negotiated and an update will be given at committee.

EXTERNAL

Environment Agency

3.4 No objections to the proposal. A condition requiring installation of an oil interceptor is suggested.

Designing Out Crime Officer

3.5 The officer highlights the potential for vehicles parked adjacent to security fencing to be used as a means of climbing over the fencing and makes comments about the use of CCTV and the proposed alarm system.

Neighbourhood Notification and Publicity

3.6 One letter of representation has been received from a local business expressing concern about highway safety and access to the site. They note that roads can be very busy and congested restricting access and resulting in potential danger to pedestrians and cyclists.

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Principle of the Development
- Design, layout and landscaping
- Highways access and parking arrangements
- Sustainability
- Drainage

POLICY BACKGROUND

National Planning Policy Framework

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that a presumption in favour of sustainable development should run through both plan-making and decision-taking.

4.3 Core land use planning principles set out in paragraph 17 include the expectation that planning decisions should proactively drive and support sustainable economic growth to deliver homes business and industrial units responding positively to wider opportunities for growth, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

4.4 Section 1 'Building a Strong, Competitive Economy' says that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 says planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the 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.

4.5 Section 7 'Requiring Good Design' attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

4.6 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) was approved for Development Management purposes.

4.7 The 2005 Draft Local Plan 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.

4.8 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy SP7a says that to ensure that development outside the York city centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. A hierarchy for the location of such development is within the policy: first York City centre, then edge of city centre, Acomb and Haxby district centres, and then other out of centre locations genuinely accessible by a wide choice of means of transport.
- Policy E3b says that sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms 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.
- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have

regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

Emerging Local Plan

4.9 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. As such, there is a possibility that the position may change when the Local Plan recommences its passage to adoption.

4.10 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.11 Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the Draft Local Plan. When considering 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 is necessary to meet employment needs during the plan period.

4.12 Under policy D2 'Placemaking' development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

Evidence Base

4.13 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.

Principle of the Development

4.14 The site has most recently been in employment use although the buildings on site have now been demolished. Policy E3b of the DCLP requires that sites currently or most recently in employment use should be retained in their current use class. This is carried on by policy EC3 in to the draft Local Plan. The proposed motor dealership with sales and servicing is in a sui-generis use and while not a traditional employment use it has been indicated that the business will provide employment for 96 staff - 66 of whom will be transferred from Land Rover and Jaguar's existing premises in York and 30 will be new employees.

4.15 Officers note that the site is in an appropriate location for the proposed use and that there are a number of car dealerships in the locality. Given the level of proposed employment, the sui generis use proposed and the character of the locality, officers consider that the proposal is an appropriate use of the land and is acceptable in principle subject to other material planning considerations.

Design, layout and landscaping

4.16 The character of the area is relatively mixed in appearance and use. The South side of Clifton Moor Gate is predominantly car dealerships in a mix of materials and both single and two storey buildings. Some of these are set relatively close to the highway whilst others are set further in to the site. On the North side of the road, to the right of the site is a large two storey warehouse/office building while to the left are more modest two storey offices. To the rear the site is surrounded by large warehouse type buildings of no particular quality.

4.17 The proposed building will front on to Clifton Moor Gate with access to the side off Lysander Close. The scale of the building, while large, is appropriate to the size of plot and set well away from boundaries with neighbouring properties. There is no over-riding palette of materials within the locality and, in fact, many of the buildings adjacent to the site are low quality industrial warehouses. While the materials and design result in a rather stark and dominant building, it is of a high quality and will be a significant visual improvement over the existing site.

4.18 A landscape scheme has been proposed which enhances the frontage of the building while retaining visibility of the showroom from Clifton Moor Gate. The planting along the front is a mix of native trees and hedgerow and ornamental planting which is appropriate in this location. Trees are planted to the sides of the frontage to break up the openness along the frontage while lower level planting is used to the front of the showroom to allow visibility. There is some additional

planting within the customer parking area and to the rear of the building. Green screens are to be utilised along the publicly visible areas of the secure compound.

Highways access and parking arrangements

4.19 Highways have agreed that the vehicular access arrangements from Lysander Close in to the site are acceptable. A Traffic Regulation Order for double yellow lines along Lysander Close may be required to restrict on street parking and allow transporters to access the site. This will be secured via planning condition.

4.20 Highways had requested at pre-application stage that a pedestrian footway was provided along Clifton Moor Gate from where it currently stops, just to the West of the site, to the Eastern edge of the frontage. Improvements were requested to the junction to allow for a pedestrian crossing to link the site with Clifton Moor Gate/Water Lane. This was to encourage more sustainable forms of travel by making the site more accessible to pedestrians and cyclists. The applicant has considered this proposal and has indicated that the cost of relocating utilities in the verge makes such a footway financially unviable. They have provided estimated costs for this work (to include a pedestrian crossing at the junction) as £320,000.

4.21 The applicant is currently investigating potential crossing points to the East of the junction of Clifton Moor Gate with Water Lane in the hope of providing a link from the site and across Clifton Moor Gate. The crossing would take the form of dropped kerbs and a central pedestrian island. At present the location of the pedestrian island and link to the site is yet to be determined and it is intended that an update on this will be given at committee. Highways officers have indicated that while this proposal would be welcomed it does not provide the footway linkage along the entire length of the frontage which they are seeking. An update will be given at committee.

Sustainability

4.20 The proposal is considered a sustainable development. The site has been vacant for some time and the proposed development retains and expands an existing business within the city. The site is well served by public transport and is close to residential areas. Amendments have been agreed to ensure that pedestrian access to the site is available from Clifton Moor Gate allowing direct access from residential areas, other car dealership sites and bus stops in to the site to encourage more sustainable modes of transport. The scheme will be making use of an air source heat pump for the showroom and office areas. It is intended that the development will attain BREEAM Very Good in line with the Interim Planning Sustainment on Sustainable Design and Construction.

Drainage

4.21 As requested by the Environment Agency, a condition is requested to ensure an oil interceptor is installed. The site is previously developed with large areas of hardstanding still visible. A condition is suggested to ensure drainage details are agreed.

5.0 CONCLUSION

5.1 The scheme is considered to represent a good use of this existing employment site. The proposal for a car dealership falls within a sui generis use and results in the creation of 30 new jobs and the retention of 62 full time and 4 part time jobs. The use is in keeping with the character of the area and the proposal results in a high quality and appropriately designed development. Subject to acceptable details being submitted, the addition of a pedestrian access to the site from Clifton Moor Gate is considered to improve the accessibility of the site and encourage linked trips and public transport use.

5.2 The proposal is therefore recommended for approval subject to the suggested planning conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

LOCATION PLAN

TD5707_101 PROPOSED SITE PLAN

TD5707_203 PROPOSED GA PLANS

TD5707_204 PROPOSED WASH VALET DETAILS

TD5707_301 PROPOSED ELEVATIONS(1)

TD5707_301 PROPOSED ELEVATIONS(2)

TD5707_305 PROPOSED SECTIONS

YD2_JLRY_LP001 REV A LANDSCAPE GENERAL ARRANGEMENT

JLRY_DT001 SOFT LANDSCAPE DETAILS

TD5707 REV A REVISED TRAVEL PLAN

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

3 VISQ8 Samples of exterior materials to be app

4 The buildings hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method ('BREEAM') Very Good rating (or equivalent, as set out within the submitted BREEAM Pre-assessment report)) unless otherwise agreed in writing by the Local Planning Authority. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of practical completion of the retail development. Should the development site fail to achieve a BREEAM standard of 'Very Good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a BREEAM standard of 'Very Good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

5 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. No machinery, plant and equipment shall 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 protect the amenity of local residents

6 Prior to first occupation of the buildings hereby approved, a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of any lighting on site.

Reason: To protect neighbouring amenity.

- 7 LC1 Land contamination - Site investigation
- 8 LC2 Land contamination - remediation scheme
- 9 LC3 Land contamination - remedial works
- 10 LC4 Land contamination - unexpected contam

11 Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason: To reduce the risk of pollution to the water environment.

12 The approved landscape general arrangement and soft landscape details shall be implemented within a period of six months of the completion of the development in accordance with the approved landscape design and management report. Any trees or plants which within a period of ten years from the substantial completion of the landscape works, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, and the quality of the works, since the landscape scheme is integral to the amenity of the development.

13 Prior to the commencement of building works details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

- 14 HWAY39 IN Off site highway works, details reqd - TRO on Lysander Close

7.0 INFORMATIVES: Notes to Applicant

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

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

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

Contact details:

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

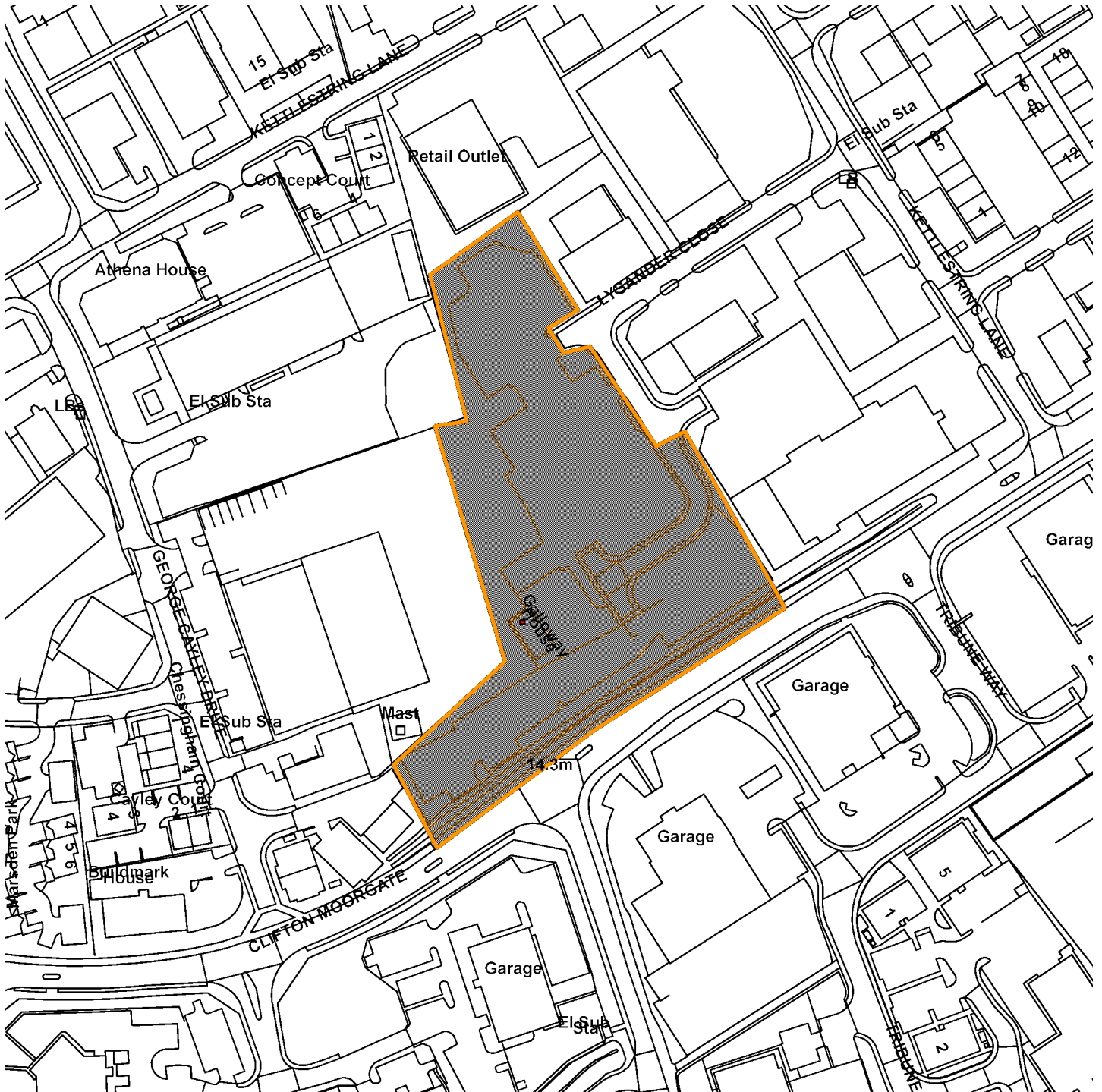
Tel No: 01904 555730

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Galloway House, Lysander Close



Scale : 1:2283

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	06 September 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 14 September 2017 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 17/00954/OUTM

Application at: Land Adjacent Hopgrove Roundabout Beechwood Hopgrove York
For: Outline planning application with all matters reserved for erection of petrol filling station, restaurant and 50-bedroom hotel with associated access, car parking and landscaping (resubmission)

By: Enita Europe Limited

Application Type: Major Outline Application (13 weeks)

Target Date: 25 September 2017

Recommendation: Refuse

1.0 PROPOSAL

1.1 Beechwood, Hopgrove Roundabout Malton Road comprises a large partially secluded area currently in pasture use circumscribed by the A64 and A1237 York Outer Ring Road . The site is well landscaped along the eastern, south western and southern edges with residential properties set within large grounds adjacent to the former Malton Road to the north. The site is accessed from the A1237 and lies within the York Green Belt as well as being partially within Flood Zone 3. Outline planning permission is sought with all matters reserved for erection of a "signed" trunk road service area comprising a petrol filling station, restaurant/cafe, 50 bedroom lodge accommodation and a range of ancillary works. The proposal represents a re-submission of an earlier proposal in 2014(ref:14/00672/OUTM)- that was withdrawn following concerns in respect of its impact upon the open character of the Green Belt, impact upon Flood Risk in the locality and impact upon a known habitat of the water vole a species protected by law.

1.2 The proposal has been screened in respect of Schedule 2 the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations and been found not to warrant a separate process of Environmental Impact Assessment.

1.3 A holding Direction preventing the Authority from approving the proposal for a period up until 30th November 2017 was served by the Highways Agency on 30th May 2017 on the basis that insufficient information was forthcoming with the proposal to enable a sufficient assessment of its impact upon traffic levels and road safety on the nearby A64

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Flood zone 2 GMS Constraints: Flood zone 2

2.2 Policies:

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYNE6 - Species protected by law

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection (Environmental Health) raises no objection in principle to the proposal but raise some concerns with regard to the impact of noise arising from the site on the residential amenity of neighbouring properties.

3.2 Highway Network Management raises concerns in respect of the lack of information submitted with the proposal in respect of the levels of traffic to be generated by the proposal and its impact upon surrounding roads.

3.3 Planning and Environmental Management (Archaeology) raise no objection to the proposal subject to any permission being conditioned to require an archaeological evaluation of the site prior to construction of the development.

3.4 Planning and Environmental Management (Ecology) raises no objection to the proposal on the basis that the most recent survey information does not record the presence of water voles within the application site.

3.5 Strategic Flood Risk Management was re-consulted with regard to the proposal on 17th August 2017. Views will be reported orally at the meeting;

3.7 Public Protection (Trading Standards) was re-consulted with regard to the proposal on 17th August 2017. Views will be reported orally at the meeting.

EXTERNAL:-

3.8 Huntington Parish Council object to the proposal on the grounds that:-

- it represents inappropriate development in the Green Belt;
- insufficient justification has been supplied for the proposal as it fails to take account of the availability of alternative facilities in the locality even when disaggregated;
- it comprises a habitat of the water vole a species protected by law;
- it would give rise to substantial harm to the residential amenity of neighbouring properties by virtue of noise, light pollution and loss of privacy;
- It would give rise to substantial increases in vehicular traffic on unsuitable local roads;
- It would require a fly-over access with consequently serious visual impact in the event of the nearby section of the A64 being duelled;
- it lies partially within Flood Zone 3a) and so is assessed as being at high risk of flooding; and
- it is designated as a Green Wedge within the Huntington Neighbourhood Plan.

3.9 The Foss (2008) Internal Drainage Board raises no objection on principle to the proposal but raise serious concerns as to the ability of surrounding water courses to accommodate the surface water from the site without significantly increasing flood risk in the locality;

3.10 Yorkshire Water Services raises no objection to the proposal subject to a suitable surface water outfall being established.

3.11 The Environment Agency raises no objection to the proposal subject to it being constructed in strict accordance with the submitted site specific Flood Risk Assessment.

3.12 Highways England raises serious concerns in respect of the level of information submitted relating to traffic generation from the proposal and its impact upon surrounding roads notably the A64 and has served a six month holding Direction preventing the Authority approving the proposal until their concerns are effectively addressed.

3.13 A detailed letter of objection has been submitted on behalf of a Local Residents Action Group living in the direct vicinity. The following is a summary of its contents:-

- concern that the proposal represents inappropriate development within the Green Belt and fails to comply with the relevant tests of "very special circumstances";
- concern that the proposal fails to demonstrate that the surface water generated can be satisfactorily accommodated without increasing flood risk to properties in the locality;
- concern that the proposal fails to demonstrate that the traffic generated can be successfully accommodated on surrounding roads;

- concern that the impact of the proposal upon the habitat of the water vole, a species protected by law can not be effectively mitigated against contrary to the requirements of paragraph 118 of the NPPF.

3.14 A further letter of objection has been submitted on behalf of local businesses. The following is a summary of its contents:-

- concern that the proposal represents inappropriate development within the Green Belt and fails to comply with the relevant tests of "very special circumstances";
- concern that the proposal by virtue of its scale and design would give rise to serious harm to the openness of the Green Belt;
- concern that the proposal would give rise to very substantial harm to the habitat of the water vole, a species protected by law in a manner which may not be mitigated against as required by paragraph 118 of the NPPF;
- concern that the proposal has failed to demonstrate the need for a Green Belt location either on the strict basis of the DfTR criteria or by disaggregating the various elements of the proposal as they exist as alternatives in the locality;
- concern that the proposal fails to demonstrate that the traffic generated can be safely accommodated on surrounding roads;
- concern that the proposal fails to demonstrate that the surface water generated can be successfully accommodated without increasing flood risk to other properties in the locality.

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 the level of flood risk in the locality;
- Impact upon the habitat of a protected species;
- Impact upon traffic levels on the surrounding highway network.

POLICY CONTEXT:-

4.2 GREEN BELT:- 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 Central Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. 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. Other development may only be permitted where a case for "very special circumstances" has been forthcoming. Paragraph 88 of the National Planning Policy Framework indicates that "very special circumstances" will only be held to exist where potential harm to the Green Belt and any other harm is clearly outweighed by other considerations. Policy GB1 of the York Development Control Local Plan also applies and sets a firm policy presumption against inappropriate development within the Green Belt. The Draft Local Plan is also a material consideration although it may only be afforded limited weight by virtue of the consultation process having been paused.

4.3 RESIDENTIAL AMENITY:-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.

4.4 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.

4.5 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.

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

4.6 The application site comprises a partially secluded area presently used for pasture to the north east of Hopgrove village within the York Green Belt. The proposal envisages the erection of a 50 bed room hotel, a restaurant and a petrol filling station with substantial associated areas of hard surfacing, which would be accessed from the Old Malton Road connected with the A1237 Outer Ring Road a short distance away. The detailed Planning Statement submitted with the application seeks to justify the proposal on the grounds of the A64 being a Trunk Road and the proposal coming within one of the categories deemed to be appropriate development within the Green Belt, as outlined in paragraph 90 of the NPPF as "local transport infrastructure which can demonstrate a requirement for a Green Belt location providing it does not harm the openness or purposes of designation of the Green Belt." This derives ultimately from DfTR Circular 02/2013 which identifies a functional need for a range of services on long distance transport routes, what that range of facilities should be as well as the ideal operational distance between

facilities. The Circular sets out minimum criteria which facilities should achieve to secure signing from the strategic road network. The submitted planning statement examines the perceived need for the facility in relation to the requirements of the Circular.

4.7 The site is sheltered from the A64 to the east and south east by a substantial landscaped bund which gives the site a pleasant secluded rural ambience which contributes significantly to the residential amenity of the scattered row of properties along Old Malton Road directly to the north. It is not as suggested in the submitted Planning Statement an area of highway verge. The proposal envisages the construction of a two storey hotel building, a single storey restaurant and a petrol station with associated car parking at the Malton Road fringe of the site for flood risk reasons. The proposal would totally alter the character of the site giving rise to substantial harm to openness even not withstanding whether or not the applicant's conjecture that the site represents Local Transport Infrastructure is accepted. The proposal is therefore inappropriate development within the Green Belt.

4.8 Furthermore paragraph 80 of the NPPF identifies five purposes for Green Belt designation including the prevention of encroachment into open countryside. The proposal would represent a complete urbanisation of a pleasant rural green wedge beyond the City Outer Ring Road which has been allocated as such in the Draft Huntington Neighbourhood Plan. As such the proposal would give rise to substantial harm to the purposes of designation of the Green Belt over and above the substantial harm caused to openness.

4.9 As the proposal amounts to inappropriate development in the Green Belt paragraph 87 of the NPPF gives rise to a clear requirement for a case for "very special circumstances" which paragraph 88 of the Framework makes clear should clearly over ride any harm by reason of inappropriateness and any other harm. The applicant presents a clear case based upon the DfTR Circular and also the presumption in favour of sustainable development embedded within the wider NPPF. Footnote 9 to paragraph 14 of the Framework is however clear that the presumption is dis-applied within areas designated Green Belt and should not therefore be given weight in considering the proposal.

4.10 The submitted details identify a search for alternative sites outside of the Green Belt within a 30 minute drive time of the nearest facility at Bilbrough and concludes that there are none presently available or reasonably capable of development. However, the current proposal is not itself directly accessible from the Trunk Road or an adjacent side road itself although the applicant has secured an agreement that it could be signed from the Trunk Road. Furthermore the submitted details fail to take account of locations in the near vicinity where the facilities present occur singly or in combination in close proximity to the Trunk Road. Significant hotel and restaurant accommodation is for example available at Hopgrove village within a five minute drive time of the trunk road. No evidence has also been put forward in

terms of accident statistics where fatigue is a factor to justify the proposal. The characteristics of the A64 and its traffic have not been examined. Instead an appeal decision from the A30 at Roche in Cornwall has been cited as a precedent however, that site is not designated Green Belt and is placed in a physically remote location away from major centres of population adjacent to one of the principal routes into and out of Cornwall. The A64 by contrast carries a majority of traffic over short and medium distances from the West Yorkshire Conurbation to the Yorkshire Coast within a two hour drive time which is held as critical in terms of driver fatigue.

4.11 The applicant further contends that the development would amount to Local Transport Infrastructure. However, it is contended that this definition would not apply in this case as it is a private commercial operation rather than for example a park and ride site, modal transport interchange or bypass scheme designed to serve the transport needs of the locality. The proposal is therefore not acceptable in Green Belt terms.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.12 The application site comprises a relatively quiet and tranquil area of pasture land partially circumscribed by a landscaped bund and accessed from a very lightly trafficked section of Malton Road. The adjacent highway provides access to a number of residential properties, some of which are set a significant distance back from the road frontage. Two properties, Beechwood Cottage and Beechwood Lodge are however directly on the road frontage in the vicinity of the proposed access points to the proposal. In marked contrast to the existing situation the occupants of the two properties would be subject to significant volumes of traffic at regular intervals throughout the day and night. Furthermore they would lie in very close proximity to the play area associated with the proposed restaurant, along with the coach parking and bin stores associated with the proposed hotel. Notwithstanding the comments of Public Protection it is contended that the proposal would particularly in view of its 24 hour operation give rise to substantial harm to the residential amenity of both properties by virtue of noise, lighting, loss of privacy and general comings and goings from the application site contrary to paragraph 17 of the NPPF.

IMPACT UPON FLOOD RISK IN THE LOCALITY:-

4.13 The application site lies across the boundaries of Flood Zones 1 and 3 although the proposed buildings are illustrated as being within Flood Zone 1. A water course crosses the site before draining to the south west through Hopgrove village into the River Foss. A detailed Flood Risk assessment has been submitted. This recommends the controlled closure of the hard surfaced parking areas in the event of a severe rainfall or flooding event. However, the consequence of controlled closure of the parking areas which may in all likelihood be at short notice, would be

significant additional parking along Old Malton Road seriously exacerbating the previously identified concerns in relation to impact upon residential amenity. Furthermore no clearly defined surface water outfall has been identified with the proposal. In view of the Flood Zone designation of the majority of the site a clear risk remains in terms of flooding for nearby properties.

IMPACT UPON THE HABITAT OF A PROTECTED SPECIES:-

4.14 A water course draining south west wards Hopgrove village and the River Foss crosses the site. This has been previously identified as being a habitat for water voles a species protected by the 1981 Wildlife and Countryside Act. However, the applicant has submitted updated surveys for the site which indicate that water voles are no longer resident and as such no mitigation measures would now be required.

IMPACT UPON TRAFFIC LEVELS WITHIN THE SURROUNDING HIGHWAY NETWORK:-

4.15 Serious concerns have been expressed in respect of the submitted traffic data and accident statistics which have not been updated to reflect the current situation. Furthermore no consideration of the potential for cumulative impact upon the Hopgrove roundabout or the adjacent roundabout has been forthcoming taking account of the results of other recent developments in the locality. As a consequence of the concerns Highways England has placed a holding Direction on the proposal preventing its approval. That Holding Direction remains in place. It is therefore clear that insufficient information has been submitted to enable the impact of the development on the surrounding road network to be properly assessed.

5.0 CONCLUSION

5.1 The proposal represents a re-submission of an earlier proposal in 2014(ref:14/00672/OUTM)- that was withdrawn following concerns in respect of its impact upon the open character of the Green Belt, impact upon Flood Risk in the locality and impact upon a known habitat of the water vole a species protected by law.

5.2 Whilst recent survey work clearly establishes that the site is no longer at least for the time being a habitat for the water vole, the very clear concerns remain in terms of the impact of the proposal upon the residential amenity of nearby properties and its impact upon the openness of the Green Belt. The proposal represents inappropriate development in the Green Belt and the applicant has failed to come forward as required by paragraph 88 of the NPPF with a case for "very special circumstances" that would clearly outweigh any harm by reason of inappropriateness and any other harm. As such the proposal is unacceptable in planning terms and refusal is recommended.

6.0 RECOMMENDATION: Refuse

1 The proposed development is inappropriate within the Green Belt within the definition outlined in paragraphs 89 and 90 of the National Planning Policy Framework and therefore by definition materially harmful to its openness. The proposal runs clearly contrary to the principles of including land within the Green Belt namely the prevention of encroachment into open countryside and the safeguarding of the setting of historic towns and cities. No case for "very special circumstances" has been brought forward overcome the strong policy presumption against inappropriate development within the Green Belt and to justify the clearly unacceptable harm that the development would cause to the character and openness of the Green Belt.

2 The proposed development would give rise to a severe and on-going harmful impact to the residential amenity of occupants of the adjacent residential properties Beechwood Lodge and Beechwood Cottage in terms of light pollution, noise and general disturbance contrary to paragraph 17 of the National Planning Policy Framework "Core Planning Principles" and Policy GP1 of the York Development Control Local Plan.

3 By failing to provide adequate detail of a surface water outfall in respect of a site that falls predominantly within Flood Zone 3 and therefore deemed to be at high risk of flooding insufficient information has been supplied to enable an informed examination of the impact of the proposal upon the potential flood risk for other properties in the locality.

4 Insufficient information has been forthcoming with the proposal to be able to judge impact upon traffic flows within the surrounding highway network arising from the development notably in respect of impact upon accident levels in the immediate surroundings, base line traffic flows within the immediate surroundings and cumulative impacts arising from other recently approved developments in the locality.

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) Sought submission of an up-to-date vole survey in respect of the watercourse

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crossing the site;

ii) Sought the submission of an up-to-date Transport Assessment that addresses concerns in respect of the impact upon traffic flows on the surrounding network.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

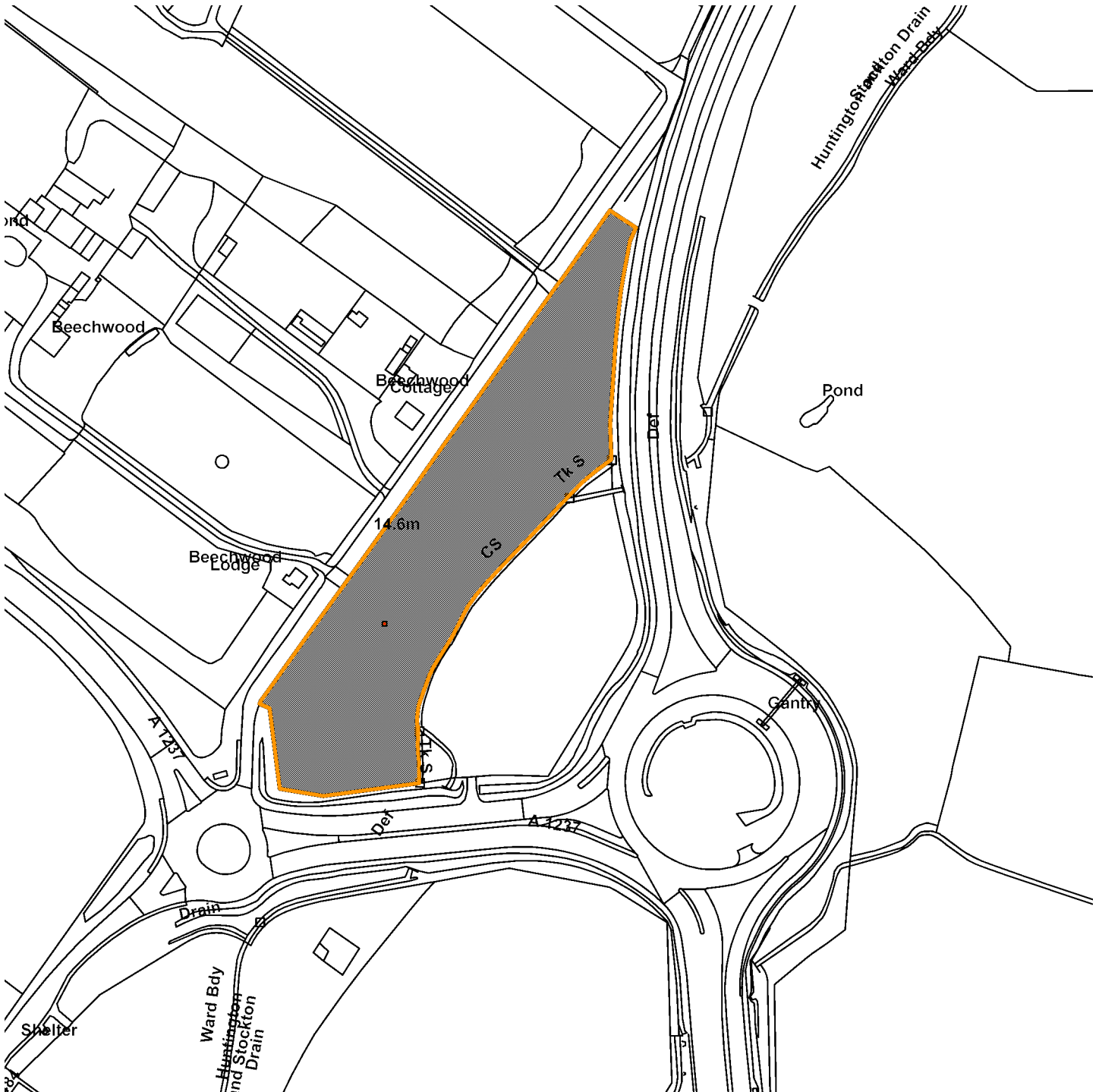
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Author: Erik Matthews Development Management Officer

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Land Adj to Hopgrove Roundabout, Beechwood, Hopgrove



Scale : 1:3041

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	06 September 2017
SLA Number	Not Set

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