



Notice of a public meeting of Planning Committee

- To:** Councillors Reid (Chair), Boyce (Vice-Chair), Brooks, Shepherd, Ayre, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, K Taylor and Warters
- Date:** Thursday, 18 April 2019
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

Site Visits

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at 10:00am on Tuesday 16 April 2019

1. Declarations of Interest

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

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

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

2. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5:00pm on Wednesday 17 April 2019. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

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

Filming or Recording Meetings

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

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

3. Plans List

This item invites Members to determine the following planning applications:

a) York St John University Playing Fields, Windmill Lane, York [18/02824/REMM] (Pages 5 - 24)

Appearance, landscaping, layout and scale for a residential development of 69 dwellings with associated access roads and public open space [Hull Road Ward] **[Site Visit]**

b) York St John University, Lord Mayors Walk, York [18/02819/FULM] (Pages 25 - 46)

Demolition of 3 student accommodation blocks and erection of a new three storey teaching block, auditorium and covered atrium with associated landscaping [Guildhall Ward] **[Site Visit]**

c) Block D Hungate Development Site, Hungate, York [18/02946/FULM] (Pages 47 - 78)

Erection of a residential apartment block, landscaping and associated works (Block D) [Guildhall Ward] **[Site Visit]**

d) R S Cockerill York Ltd, Stamford Bridge Road, Dunnington, York [18/02937/FUL] (Pages 79 - 96)

Erection of 3 extensions to packing building [Osballdwick And Derwent Ward] **[Site Visit]**

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

(Pages 97 - 120)

Erection of two storey building (mixed use class B1, B8) and detached workshop with access and associated parking [Rural West York Ward] **[Site Visit]**

f) Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York [18/02158/FULM] (Pages 121 - 146)

Erection of new industrial facility (use class B2/B8 with ancillary office B1a) with access road, parking and landscaping [Rural West York Ward] **[Site Visit]**

g) Forest Hill Farm, Pottery Lane, Strensall, York [16/01061/FUL] (Pages 147 - 168)

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

4. Appeals Performance and Decision Summaries (Pages 169 - 188)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2018, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

5. Urgent Business

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

Democracy Officer

Angela Bielby

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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

Abbreviations commonly used in Planning Reports

(in alphabetical order)

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

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

PLANNING COMMITTEE

SITE VISITS

Tuesday 16 April 2019

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

| TIME (Approx) | SITE | ITEM |
|--------------------------|---|-------------|
| 10:15 | Land to the south of Northminster Business Park Harwood Road Upper Poppleton | 3f |
| 10:35 | Land to the west of Redwood House Northminster Business Park Hackness Road Upper Poppleton | 3e |
| 11:10 | R S Cockerill York Ltd Stamford Bridge Road Dunnington | 3d |
| 11:40 | York St John University Playing Fields Windmill Lane | 3a |
| 12:15 | Block D Hungate Development Site Hungate | 3c |
| 12:45 | York St John University Lord Mayors Walk | 3b |

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Publication Draft Local Plan 2018:

| | |
|------|------------------------------------|
| D1 | Placemaking |
| D2 | Landscape and Setting |
| DP2 | Sustainable Development |
| DP3 | Sustainable Communities |
| H2 | Density of residential Development |
| H3 | Balancing the Housing Market |
| H4 | Housing Mix |
| H10 | Affordable Housing |
| D7 | Archaeology |
| GI2 | Biodiversity and Access to Nature |
| GI4 | Trees and Hedges |
| GI6 | New Open Space Provision |
| ENV5 | Sustainable Drainage |

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Heritage Project Officer

3.1 The archaeological potential of the site has previously been set out in response to the outline application 16/02358/OUTM. A desk-based assessment and geophysical survey have been completed. Evaluation by trial trenching is still required as well as building recording of the Pavilion.

3.2 The outline application carries several conditions relating to geophysical survey and evaluation trenching, a watching brief (as a precautionary measure should this be required following evaluation works) and building recording. These conditions also apply to the current REMM application.

Landscape Architect

3.3 The information submitted demonstrates that the access can be achieved without having any detrimental impact upon the protected tree belts. The tree preservation order is an area TPO, such that only the trees that were present at the time of serving the order are protected, except where young trees have been planted as replacements for protected trees that have been removed with consent from the LPA, which some of the young trees to be removed might be. Nonetheless it is accepted that the young periphery trees shown to be removed are easily replaced, and that some of them may not be protected.

3.4 The development comes very tight up to the top of the slope on the western

boundary with Woodlands. Whilst these trees are not subject to a tree preservation order they do provide a valuable division between the development and the adjacent care facility, therefore they should be protected as intended. With a development of this scale there is a risk of 'setting out creep'. Therefore the proposed fence line should be the fixed line, such that should the units end up closer to the trees, the result would be a shorter garden.

3.5 The landscape scheme will need addressing but this can be achieved under condition 20 of the outline permission.

3.6 Surface materials are covered by conditions 7 and 8, but YH must be made aware that it would not be aesthetically acceptable for the entire hard surfacing (with the exception of the front path – which is paved) to be in black tarmac. The surface treatment to the front of units 38-55 is not clear. If trees can not be added to the street scene, then there needs to be some variation between the black tarmac road and the black tarmac footpath and the forecourts.

3.7 The proposed knee rail to the back of the kerb, adjacent to the protected woodland to the east of the site, to prevent parking and compaction and wearing down of grass in this area, is acceptable.

Public Protection

3.8 Providing the noise mitigation measures are installed as per this report no objections are raised. The information submitted demonstrates that noise levels with the gardens and dwellings will be below the BS 8233 criteria.

Strategic Planning

3.9 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies DP3, H2, H10, H3, HW2, HW3, HW5, D1, D2, GI4, GI6, CC1, CC2, CC3, ENV2, and ENV5 should be applied with moderate weight. On the basis of our analysis, there are no policy objections in principle to this reserved matters application, subject to detailed site specific considerations including landscaping, design and climate change.

Parks and Open Space

3.10 The play area equipment is provided by a reputable national play equipment manufacturer and the design and layout meets the requirements for the site. Three minor alterations are proposed to relocate the stepping pods to a more appropriate location, remove the low level planting to allow for more free play and remove some of the proposed trees to allow for better supervision.

Health, Housing and Adult Social Care: Housing Strategy and Development

3.11 The Housing Strategy and Development Team strongly support this application. It provides an excellent opportunity to deliver 69 much-needed affordable homes, all of which are family houses, on a site where Outline planning permission had been granted for a policy compliant 30% level of affordable housing. A Variation will be needed to the Outline Section 106 Agreement to reflect this, with restrictions to ensure that 30% of the affordable housing is either provided in perpetuity, or the subsidy recycled within the City of York area.

3.12 The agreed affordable housing provides a total of 69 two, three and four bedroom houses, which overall meets the high need for family housing identified in the SHMA. Discussion has been held with the applicant regarding the mix between 2- and 3-bed houses, which does not align with the SHMA identified need (shown on the following page). However, it is accepted that this scheme represents the best balance given the constraints imposed by the 100% affordable housing delivery achieved on this site.

Highway Network Management

3.13 Vehicular access to the site will be taken solely from the existing controlled junction at Hull Road/Windmill Lane as agreed at the outline planning stage. Two new roads will be served off the main road through the site to provide access for the east and west parts of the development. Short cul-de-sacs are proposed to serve the properties. Standard turning heads are proposed within the development for refuse vehicles.

3.14 Concerns are raised in connection with the lack of visitor parking. Dropped crossings limit the amount of on street parking which can be provided and it is considered that inconsiderate parking on bends and along the main access to the leisure centre may arise. As a result it is proposed to prevent parking along certain routes through double yellow lines in order to allow vehicles to access/exit driveways and to protect the free flow of traffic along the route to the leisure centre. The proposed Traffic regulation orders will form part of the adopted highway section 38 works (highway agreement).

3.15 However, the site is within a sustainable location close to good public transport links and as such no objections are raised.

Structures and Drainage

3.16 Following our assessment of the revised Drainage Philosophy prepared by Billingham George & Partners (issue 004) dated 19th February 2019 and in line with the response from Yorkshire Water dated 4th March 2019 the Flood Risk Management Team has no objections to the development in principle.

3.17 In summary, the report states that foul water will discharge to public combined sewer network and with regard to surface water it demonstrates that sub-soil conditions do not support the use of soakaways. Together with Yorkshire Water the Flood Risk Management Team therefore accepts that surface water may discharge to public surface water sewer with flows limited to 4.75 (four point seven five) litres per second as a practical minimum to prevent blockages and provide an acceptable pumping regime.

EXTERNAL

Yorkshire Water

3.18 No observations

North Yorkshire Police Design Out Crime

3.19 An analysis of police recorded incidents in the area of the proposed development highlights the presence of crime and anti-social behaviour in the area which could impact upon the security of the scheme. The most significant crime issues are theft of cycles left insecure in rear gardens and damage to and theft from parked unattended vehicles. Issues in connection with the public footpath from public open space to the cul-de-sac have been resolved with the removal of this path and the erection of a secure fence. The footpath between plots 30 and 37 has been removed as requested.

3.20 Building for Life 12 recommends that parking provision enables the owner to be able to see their vehicle from their home. Failure to provide this can result in residents parking their vehicles directly outside their house, where the road is not designed to accommodate this. Where cars are parked at a rear the boundary treatment should be permeable. The plans have been amended to address this issue.

3.21 External lighting is recommended for each elevation containing a doorset and defensible planting should be provided to the boundary of plot 55.

Foss Internal Drainage Board

3.22 The Board notes that this is an Application for approval of reserved matters following outline approval in 16/02358/OUT. The Board is limiting its comments to condition 22 in relation to the disposal of surface water. The surface water from the development is to be disposed of via an offsite Yorkshire Water Surface Water sewer in Tang Hall Lane. The Board is confident that, if correctly selected, technical solutions are available which can provide flow control that can be maintained and without being prone to blockages.

3.23 It appears the proposed pumping station will be downstream of the flow restriction. The report states 'The network will drain via gravity to south eastern area of site where it will flow through the attenuation structure and into the pumping station.

This would appear to make the peak discharge from the site the capacity of the pump rather than the designed attenuated flow. Unable to discharge condition 22.

Yorkshire Water

3.24 The Drainage Philosophy prepared by Billingham George & Partners (issue 004) (Report dated 19/02/2019) is acceptable. In summary, the report states that foul water will discharge to public combined sewer network and with regard to surface water it demonstrates that sub-soil conditions do not support the use of soakaways. YW therefore accepts that surface water may discharge to public surface water sewer with flows limited to 4.75 litres/second as a practical minimum to prevent blockages and provide an acceptable pumping regime.

Neighbours

3.25 Seventeen responses received raising the following objections:

- Inadequate on site parking resulting in congestion
- Carparking along the main access to David Lloyd
- The access is insufficient for the heavy machinery during construction
- Inadequate refuse storage
- The pumping station is very close to the protected trees
- The noise from the pumping station may disturb wildlife
- The hedge which runs along Windmill Lane has a number of gaps and would not screen the development
- The woodland needs a management plan
- Cycle and pedestrian routes should be located within the woodland parallel to Hull Road
- Increased vehicular noise at the junction
- Loss of open space to walk
- Object to 100% affordable on the site
- 100% affordable would affect the character of the area and would not facilitate a balanced community
- Insufficient drainage
- Additional light pollution
- Antisocial behaviour in the park on an evening
- The site is within the greenbelt
- Inadequate electricity supply
- Loss of ambulance waiting station
- Loss of trees
- The woodland would be fenced off
- Noise generated by the science park and David Lloyd should be investigated

4.0 APPRAISAL

KEY ISSUES

- Scope of outline application
- Design, Layout, and appearance
- Affordable housing
- Landscaping
- Open space
- Drainage

ASSESSMENT

PLANNING POLICY

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

4.2 National planning policy is set out in National Planning Policy Framework (NPPF). The current version was published on 19 February 2019. Its planning policies are material to the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. It states at paragraph 11 that, for determining planning applications, it means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole'.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

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

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

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

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in March 2012, although the weight that can be afforded to them is very limited.

SCOPE OF OUTLINE APPLICATION

4.6 Approval of outline planning permission 16/02358/OUT was granted at committee on 15th June 2017 subject to a legal agreement. The decision notice was issued on 29th May 2018 which reserved all matters except access. The principle of development of the site for housing has been approved by the outline planning permission. The legal agreement secured an access and management plan for the protected trees surrounding the site, a community use agreement for the University's facilities at the applicant's Haxby Road site, on site children's play area, real time bus displays, bus travel or cycle accessories contribution per first occupier, affordable housing of 30% and a financial contribution of £215,935 towards education facilities. A condition was attached to the outline planning permission limiting the number of dwellings to 70. Whilst this is a relatively low density there are a number of constraints within the site which prevent a higher density being provided.

4.7 The principle of residential development of up to 70 dwellings with access from the junction at Hull Road/Windmill Lane has been accepted under the outline planning permission at the site. This reserved matters application is concerned only with the detail of the development being its appearance, landscaping, layout and scale, which are assessed below.

DESIGN, LAYOUT AND APPEARANCE

4.8 Paragraph 38 of the NPPF states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.9 Across the plan period the emerging local plan seeks to provide for an appropriate mix of house types and sizes in line with the SHMA which sets housing mix at a strategic level. The SHMA (2016) suggests that the focus of new housing provision should be on two and three bed properties reflecting the continued demand for family housing and the demand from older persons wishing to downsize but still retain flexible accommodation.

4.10 The site utilises the existing access off Hull Road at the junction with Windmill Lane. The central road serves the David Lloyd Leisure Centre which lies to the south of the site. Two new accesses are proposed off this central road serving a number of short cul-de-sacs, one serving the western portion of the site, the other running parallel to the tree belt to the east of the site. 69 dwellings would be provided in total comprising 14 x 2 bed, 45 x 3 bed and 10 x 4 bed configured in 54 semi detached and 15 detached dwellings.

4.11 Policy H2 (Density of Residential Development) of the Draft Local Plan (2018) set out that there should be a net density of 50 units/ha in York urban areas. Delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area. The council considers that, given the advanced stage of the emerging plan's preparation, the lack of significant objection and the plan's consistency with the Framework, the policy requirements can be given moderate weight in the consideration of the application. The site has an area of 4.7ha and would provide 69 dwellings which equates to 14 dwellings per hectare. However, the site comprises of an area of land 2.31ha which can not be developed due to the existing protected tree belts and locked area of land to the west of the sports centre. This leaves an area of land for development measuring 2.39ha which equates to 29 dwellings per hectare.

4.12 Whilst this is still below the recommended density it is considered acceptable. The site provides an area of land 0.44ha in size to be used as an open play area and equipped children's play area. The presence of the mature tree belts and the existing central access road required a scheme which kept development away from these areas and as such impacted on the overall layout of the site. Furthermore, the site is located within an area of traditional two storey dwellings and it was considered that a flatted development would have a detrimental impact upon the character of the area.

4.13 Policy D1 of the Draft Local Plan (2018) and Chapter 12 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 130, it advises against poor quality design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions.

4.14 The proposed development proposes 69 dwelling divided into six different house types. All properties are two storeys in heights, with an eaves height of 5.025m and a ridge height of 8.2m, and of traditional proportions incorporating pitched roofs with gable ends. Three different bricks are proposed with elements of off white render and grey interlocking roof tiles, stone cills and headers are proposed. The Barndale and Silverdale house type introduce a side element which is set back from the front elevation and stepped down in ridge height in order to introduce some relief within the ridge heights of the development. The materials have been selected to compliment the nearby residential developments. It is considered that the scale and design of the dwellings would sit comfortably within this location.

4.15 The house types are evenly dispersed throughout the development. All of the properties have enclosed private rear gardens of an appropriate size for the unit and no unacceptable overlooking would arise from neighbour's properties. 1.8m high close boarded fencing is proposed to the majority of the rear gardens. Boundaries that abut a footpath are proposed to be 0.67m high brick wall topped with close boarded fencing to an overall height of 2.1m to provide added security for the properties. The proposed dwellings which front onto the main access point are all provided with landscaped front gardens to soften the development. Car parking for these units is proposed to the rear. Four properties face onto the main access road to David Lloyd on the eastern side of the access which creates a pleasing active frontage. However, the western side of the access is currently dominated by a 1.8m timber fence, to the properties rear gardens, which dominate this access and creates a hard barrier. The scheme has been revised since its first submission to set the fencing away from the boundary and to allow for landscaping to be proposed to soften this element of the scheme.

4.16 Due to the self contained nature of the site there would be no impact upon any residential properties that exist outside of the site boundary.

HIGHWAYS

4.17 Section 9 of the NPPF seeks to promote sustainable transport. Paragraph 103 states that the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.' Measures to encourage sustainable transport choices have been secured as part of the outline permission.

4.18 Vehicular access to the site will be taken solely from the existing controlled junction at Hull Road/Windmill Lane as agreed at the outline planning stage. Two new roads will be served off the main road through the site to provide access for the east and west parts of the development. Short cul-de-sacs are proposed to serve the

properties. Standard turning heads are proposed within the development for refuse vehicles. The roads would be to an adoptable standard and five short private sections are proposed off the cul-de-sacs serving a number of properties. Two combined bin collection areas are proposed for a number of dwellings which are served by the longer private accesses. Adequate visibility splays are provided throughout the site.

4.19 All properties are provided with off street parking with the majority of the properties have a minimum of 2 spaces each, with the larger properties also having access to an integral garage. Cycle storage facilities are proposed either within the garages or within secure cycle stores within the rear gardens.

4.20 Pedestrian routes through the western woodlands would be retained as would the pedestrian access adjacent to plot 55 which serves as a short cut to the University over the open land adjacent to the sports centre. A short footpath linking the eastern side of the development to the central access, adjacent to plot 30, has been removed at the request of the North Yorkshire Police Design Out Crime Officer as has the pedestrian access to the play area to the south between plots 1 and 4.

4.21 Concerns have been expressed in connection to the lack of visitor parking proposed. Due to the nature of the development dropped crossings and hard surfacing to the front gardens to provide parking is widespread. This prevents on street parking for much of the development, particularly the lower western portion of the site, between plots 38 and 55. Concerns have been raised that this may result in inconsiderate parking on bends and along the main access to the leisure centre. As a result it is proposed to prevent parking along certain routes through double yellow lines in order to allow vehicles to access/exit driveways and to protect the free flow of traffic along the route to the leisure centre . A knee rail is proposed along the eastern side of the eastern access to prevent parking on the grass verge under the canopy of the protected tree belt. The proposed Traffic regulation orders will form part of the adopted highway section 38 works (highway agreement).

4.22 Whilst on street parking is limited and no visitor parking is provided it is considered that due to the sustainable location of the development along a main route into the city centre and along a busy bus route no objections are raised. Due to the contained nature of the site it would be unlikely that parking would be pushed into neighbouring development due to the distance of separation. Furthermore, there is no on street parking available along Windmill Lane and as such these residents should not be disturbed.

AFFORDABLE HOUSING

4.23 Draft Local Plan (2018) Policy H3 'Balancing the Housing Market' seeks to balance the delivery of different types of housing to meet the requirements as set out in the Strategic Housing Market Assessment (2016) evidence base to ensure that housing delivered reflects the needs across the city. This includes a range of housing types to meet the needs of individuals, families and older people.

4.24 York's Strategic Housing Market Assessment (2016) states that York's affordable housing need is 573 net additional households per year. This level of affordable housing need is heavily predicated on the assumptions relating to the level of income which is spent on housing costs and reflects the imbalance of earnings to house prices in the city. It is not intended that the Council should provide this level of affordable per year as the affordable housing need does not represent an assessment of what proportion of additional households might require affordable housing. Instead the model considers:

- What need can be expected to arise from both existing and newly-forming household who require financial support to access suitable housing;
- This is then compared with the projected supply of affordable housing expected to arise from the turnover of existing stock.

4.25 The Strategic Housing Market Assessment also sets the requirements for each type and number of bedrooms most in need. For affordable housing, this is demonstrated to be 1, 2 and 3 bedroom properties.

4.26 Draft Local Plan (2018) Policy H10 'Affordable Housing' sets out the Council's intention to maximise affordability across the housing market and states that Greenfield sites seeking permission for more than 15 dwelling should provide 30% affordable homes on site. The council considers that, given the advanced stage of the emerging plan's preparation, the lack of significant objection and the plan's consistency with the Framework, the policy requirements can be given moderate weight in the consideration of this application.

4.27 The scheme proposes 100% affordable within the site. The scheme will constitute high quality housing that will be designed to the standards required by Homes England (HE), and will be developed by one of the council's Registered Provider partners, Yorkshire Housing. A range of affordable tenures will be provided with 13 of the homes being for affordable rent, 17 using the national Rent to Buy model, and 39 for Shared Ownership delivered with social housing grant from HE who are providing grant funding. Affordable Rent and Rent to Buy rent levels are set up to 80% of estimated market rent for the properties, with Rent to Buy tenants given an option to buy the property at a later stage.

4.28 The tenure and house types are detailed below:

| House type | Affordable Rent | Rent to Buy | Shared Ownership | Total |
|--------------|-----------------|-------------|------------------|-----------|
| 2-bed | 7 | 7 | 0 | 14 |
| 3-bed | 6 | 10 | 28 | 45 |
| 4-bed | 0 | 0 | 10 | 10 |
| Total | 13 | 17 | 39 | 69 |
| | | | | |

4.29 Concerns have been expressed that the site will provide 100% affordable and would not demonstrate a balanced community. National and local planning policy exists to secure affordable housing as a proportion of major residential developments and for this site a policy compliant 30% affordable housing was secured at outline stage. In planning terms a house provided by a registered social landlord remains within the C3 use class, there is no mechanism to control the ownership or method of occupancy of the development should the developer wish to provide more affordable housing. Policy H10 states that affordable housing should be pepper potted throughout the development. In this instance the whole site will be affordable and will therefore not allow for pepper potting. However, the site layout provides differing size dwellings of different tenures (Affordable Rent, Rent to Buy and Shared Ownership) dispersed throughout the development which would create a mixed and sustainable community. A minor variation of the legal agreement may be required to address a potential conflict in its wording.

LANDSCAPING

4.30 Paragraph 117 of the NPPF promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 124 highlights the creation of high quality places as being fundamental to what the planning and development process should achieve. Paragraph 127 identifies landscaping as a key consideration in this.

4.31 Draft Local Plan (2018) Policy D2 states that development proposals will be supported where they conserve and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities and recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements, and retain them in a respectful context where they can be suitably managed and sustained. Policy GI4 recognises the range of far reaching environmental benefits that trees provide.

4.32 The site is bounded to the north, east and west by protected belts of mature trees (TPO42). These are to be retained and protected during construction works. Public access through the eastern tree belt would be retained as would the pedestrian link to Hull Road through the northern tree belt. A number of self seeded trees to the north near plots 64 would be removed as would an area to the southern end of the eastern tree belt to accommodate the surface water pumping station.

4.33 In total the scheme would result in the loss of approximately 73 individual trees. The majority of these are not protected and are located along the boundary with the tennis courts and along the existing access road. These have been identified for removal either because their potential for future growth makes them incompatible next to residential development, because they will restrict highway visibility or because they are incompatible with existing underground services.

4.34 Four trees are proposed to be removed from the southern element of the eastern tree belt to allow for the erection of the pumping station. The trees are young specimens with a condition rating of C (low quality). Surface water will drain by gravity from the north of the site to the south and as such the only alternative locations for the station were within the public open space or within the area of plots 1-7. These would have either necessitated the loss of an area of open space or the loss of an affordable dwelling. In this instance it is considered that the loss of the trees is acceptable. The loss of the trees can be accounted for within the replacement planting scheme. Details of the pumping station will be required by condition.

4.35 The Landscape Masterplan proposes approximately 99 new trees. The replacement trees will be select and heavy standards to provide a reasonable degree of instant maturity. A high percentage of native trees are proposed and it is noted that there is a good mix of types.

4.36 The Wold Ecology Conservation Management Plan identifies 6 bat boxes located on existing trees, 6 bat tubes on the new houses, 14 bird boxes, 2 tawny owl boxes, 4 habitat stacks and 4 hedgehog boxes will be provided.

OPEN SPACE

4.37 The NPPF supports the provision and enhancement of open space as part of new development. NPPF paragraph 96 recognises the importance of providing a network of high quality open space and opportunities for sport and recreation for health and well-being. It goes on to state that decisions and requirements should be based on robust up-to-date assessments of the need for open space, sports and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.

4.38 Draft Local Plan (2018) policy GI6: New Open space Provision requires all new residential development proposals to contribute to the provision of open space for recreation and amenity. Provision is calculated using a standard methodology set out in the Open Space Study Evidence base, which the council considers to have been prepared in accordance with the NPPF. For the Hull Road Ward where the site lies, there is a surplus of parks and gardens in natural/semi natural space, amenity green space, outdoor sports and allotments but a deficit in children's and young persons facilities. As such the proposed equipped children's play area is welcomed.

4.39 Emerging local plan policy GI6 states that the council will encourage on-site provision where possible but off-site provision would be acceptable under certain circumstances.

4.40 In accordance with the Section 106 agreement the scheme provides 0.44ha (excluding the woodlands) to the south of the site which comprises of an informal landscaped amenity area containing a fenced children's equipped play area. The

grassed area would be used as an informal area for exercise and games. The open space would be maintained in accordance with a management plan and would be available for both occupants of the housing development and the existing neighbouring houses.

4.41 The children's equipped area provides an enclosed section containing stepping pods, seesaw, twin balance beams, inclined balance weave, a three tower oak tower, butterfly roundabout and a 2.4m net swing. The equipment provided meets the requirement of the S106 agreement and council standards.

4.42 Concerns were expressed by nearby residents that access to the woodlands was to be restricted by the erection of fencing around the site. This was identified as being a drafting error on the plan. The woodlands would remain open for the general public to enjoy.

DRAINAGE

4.43 As a Greenfield site, in accordance with Draft Local Plan (2018) Policy ENV5, surface water flows arising from the development shall be no higher than the existing rate prior to development taking place. Unless it can be demonstrated that it is not reasonably practicable to achieve this.

4.44 The site lies within Flood Zone 1 and should not suffer from flooding. Since the outline application was submitted site investigation has taken place and it has been established that the ground is not suitable for the disposal of surface water to the ground by soak away. As the nearest watercourse (Osballdwick Beck) is approximately 350m to the north of the site it is not practical to discharge to a watercourse.

4.45 The site will be served by a network of pipes which drain by gravity to the south east of the site where it will flow through an attenuation structure to the proposed pumping station. The surface water will then be pumped to a new surface water structure in Tang Hall Lane then discharged to the Yorkshire Water system. The system will have a discharge rate of 4.75l/s. Foul water will discharge to the combined sewer located in Windmill Lane.

4.46 As part of the drainage scheme it is necessary to install a pumping station to the south east of the site. The station would be located partially within the existing tree belt. In order to accommodate the station four trees are proposed to be removed. These are classed as being low level C trees and their loss can be accommodated by replanting elsewhere. Drainage details are covered by condition on the outline permission.

5.0 CONCLUSION

5.1 The principle of the use of the site for residential was approved at outline stage under permission 16/02358/OUT. The application is in line with the requirement of the outline permission in terms of the number of dwellings, access to the site, public open space provision and the management of the protected tree belts. The reserved matters create a development comprising 100% affordable housing of a design and layout which is compatible with the surrounding area.

5.2 Wider development impacts are controlled via conditions imposed on the outline consent including land contamination, acoustic issues, construction environmental management plan, archaeology, drainage and landscaping.

5.3 In conclusion, it is considered that the proposed scheme would not have adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies subject to other relevant conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION

That Delegated Authority for the Assistant Director of Planning and Public Protection to Approve subject to a variation of the Section 106 Agreement in respect of affordable housing to be provided in the development and subject to the following conditions:

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

Location Plan 001-(PL)-8348 dated 27th September 2018

Site plan 003-(PL)-8348 Rev C dated 1st April 2019

Boundary treatment 004-(PL)-8348 received 9th January 2019

Tenure allocation 005-(PL)-8348 received 9th January 2019

House type 1 Proposed floor plans - 101-(PL)-8348 and elevations 201-(PL)-8348

House type 2 Proposed floor plans - 102-(PL)-8348 and elevations 202-(PL)-8348

House type 3A Proposed floor plans - 103-(PL)-8348 and elevations 203-(PL)-8348

House type 3B Proposed floor plans - 104-(PL)-8348 and elevations 204-(PL)-8348

House type 4A Proposed floor plans - 105-(PL)-8348 and elevations 205-(PL)-8348

House type 4B Proposed floor plans - 106-(PL)-8348 and elevations 206-(PL)-8348

House type 5A Proposed floor plans - 107-(PL)-8348 and elevations 207-(PL)-8348

House type 5B Proposed floor plans - 108-(PL)-8348 and elevations 208-(PL)-8348

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House type 6 Proposed floor plans - 109-(PL)-8348 and elevations 209-(PL)-8348
House type 7A Proposed floor plans - 110-(PL)-8348 and elevations 210-(PL)-8348
House type 7B Proposed floor plans - 111-(PL)-8348 and elevations 211-(PL)-8348

Landscape Masterplan R-2165-1C

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

2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 2015), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected.

Reason: In the interests of visual amenity on this open plan development

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to D of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

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

LEGAL AGREEMENT

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

Application Reference Number: 18/02824/REMM

Item No: 3a

Contact details:

Author: Heather Fairy Development Management Officer

Tel No: 01904 552217

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COMMITTEE REPORT

Date: 18 April 2019 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 18/02819/FULM
Application at: York St John University Lord Mayors Walk York YO31 7EX
For: Demolition of 3 no. student accommodation blocks and erection of a new three storey teaching block, auditorium and covered atrium with associated landscaping.
By: Richard Hirst
Application Type: Major Full Application (13 weeks)
Target Date: 4 April 2019
Recommendation: Authority to Approve delegated to the Assistant Director

1.0 PROPOSAL

1.1 The Lord Mayor's Walk campus of York St. John University is bounded by Lord Mayor's Walk, Clarence Street, Garden Street and St John Street. There are numerous pedestrian entrance points off these streets (excluding St John Street), leading to an informal central area containing the main reception, the dining hall, and students union surrounding a central green space. There is one primary vehicular access point from Clarence Street to accessible parking spaces and for servicing requirements.

1.2 Part of the campus, primarily the Holgate Building and Temple Hall located to the southern part of the site are located within the Central Historic Core Conservation Area. There are a number of listed buildings within the site including Temple Hall and the Chapel. The site is also located within the Area of Archaeological Importance (AAI). The campus is situated within Flood Zone 1.

1.3 Within the campus, to the northern eastern side of the green space and positioned along the boundary with Garden Street are three existing three-storey student accommodation blocks (named A - B, E - G and H - I). These date from the 1960s. The application seeks consent to demolish these accommodation blocks.

1.4 Following demolition of the accommodation blocks E - G and H - I, it is sought to provide a creative centre which would provide 3500sqm of teaching and breakout space, including a 210 seater multi-function auditorium.

1.5 The area following the demolition of accommodation blocks A - B will be temporarily landscaped prior to plans being developed at a later date for future expansion (this area is identified as area 11 on the proposed Masterplan).

1.6 The creative centre will replace existing teaching accommodation provided on campus and will enable more specialist space, in Art and Design, Computer Science, Performance and Media Production to be provided.

1.7 Most teaching will take place between 09:00 and 18:00 Monday to Friday. During these hours the standard capacity of the teaching spaces within the creative centre will be between 250 and 350 people. Access to some areas such as the music practice rooms could be accessed outside of these hours through key card access.

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN (2018)

| | |
|-----|--|
| H7 | Student Housing |
| ED4 | York St. John Lord Mayor's Walk Campus |
| ED5 | York St John Further Expansion |
| D1 | Placemaking |
| D2 | Landscape and Setting |
| D4 | Conservation Areas |

2.2 The council considers that, given the advanced stage of the emerging plan's preparation, the lack of significant objection and the plan's consistency with the Framework, the policy requirements can be given moderate weight in the consideration of the application.

2.3 DEVELOPMENT CONTROL LOCAL PLAN (2005)

| | |
|------|---|
| GP1 | Design |
| GP4 | Sustainability |
| ED5 | Further and Higher Education Institutions |
| H11 | Trees and Landscape |
| ED10 | Student Housing |
| HE4 | Conservation Areas |
| NE6 | Species protected by Law |

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (DCSD) (Design)

3.1 The scheme is consistent with the scheme developed during the pre-app process, with no significant changes. The scheme was largely good design and supported for most aspects. The main negative assessment at the time was the elevation to Brook Street/Garden Street which imposed a bulkier appearance onto the

public street scene (compared to existing) and in its modelling presented an undifferentiated flat rectangular façade.

3.2 It is recommended that the building should be set back further to allow more meaningful modulation (variation) in the plane of the wall to reflect the different wall materials along with meaningful tree planting to soften the street edge and the garden street elevation. .

Design, Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.3 The proposed tree cover within the landscape layout of the main space would compensate for the loss of existing trees. There are currently no trees immediately adjacent to Garden Street within the application site; the position and treatment of the north elevation on Garden Street does have a domineering effect. Nonetheless trees are a characteristic of the wider environment associated with Garden Street and the neighbouring 'Groves'. The proposed scheme includes some tree planting at either end of the Garden Street elevation; this would be feasible using small fastigate species, provided there are no utilities running through this strip.

Design, Conservation and Sustainable Development (DCSD) (Ecologist)

3.4 The submitted ecology surveys confirm a roost of Common Pipstrelle bats in one on the student accommodation blocks. Its demolition will result in the destruction of a bat roost and requires a scheme of mitigation and compensation under a European Protected species Licence from Natural England.

3.5 The building will be demolished in its entirety and therefore it will not be possible to retain the roost. It is considered possible to implement a method of working to avoid harming bats during demolition and provide a bat box (or other appropriate features) on site to maintain roosting opportunities, these can be secured via condition. There are no ecological grounds to object to this application, subject to the implementation of conditions to mitigate any potential adverse impacts and enhance the quality of development.

Design, Conservation and Sustainable Development (DCSD) (Archaeology)

3.6 The development lies in the AAI and in an area where archaeological features and deposits have been observed.

3.7 The applicant submitted a Desk-Based Assessment and Heritage Statement (YAT DBA & Heritage Statement 2018/176 November 2018) concludes that "the probability of encountering deposits relating to the prehistoric, Roman and Anglo-Scandinavian periods is thought to be low ... There is a high probability of finding deposits relating to these periods [medieval and post-medieval] of activity ... There is a high probability of encountering the foundations and/or demolition deposits

relating to [19th century] structures, although there may be a high level of truncation following the construction of the present Residence Blocks in the 1960s."

3.8 On this basis it is considered that the application will cause less than substantial harm to undesignated heritage assets that are likely to be of local importance. No objections are raised, subject to an archaeological watching brief on all groundworks for the development.

Highways Network Management

3.9 Any comments will be reported verbally.

Flood Risk Management Team (FRMT)

3.10 Any comments will be reported verbally.

Public Protection Unit (PPU)

3.11 The application has been reviewed in terms of the potential environmental impact as a result of noise, light, dust odour.

3.12 The application is accompanied by an Environmental Noise Assessment (dated 1 August 2018). The methodology of the report is satisfactory and this provides noise limits at the nearest residential premises to be achieved after the installation of plant and completion of the development. This includes the completion of the auditorium and any operations that may take place within it. The glazing and roof specification has not yet been specified and therefore further information is required on this aspect of the building design, and can be secured via appropriate condition.

3.13 A Construction Environmental Management Plan (CEMP) is recommended to minimise the creation of noise, vibration and dust during demolition, site preparation and construction phases of the development.

EXTERNAL

Guildhall Planning Panel

3.14 Any comments will be reported verbally.

Yorkshire Water

3.15 No objections, subject to conditions.

Designing out Crime Officer

3.16 In relation to designing out crime the proposal is considered acceptable. The Design and Access Statement makes reference to a BREEAM Security Needs Assessment carried out.

York Civic Trust

3.17 Support the application. The 1960s accommodation blocks facing Garden Street are some of the low quality buildings and do not contribute to the setting of the listed buildings.

3.18 Of note, the demolition of the easternmost student block, which is in close proximity to the 1966 chapel, and its replacement with garden landscaping, has the potential to improve the setting of the listed building.

3.19 The proposed use of timber cladding as excessive. The design for the new building is of a high quality, use appropriate massing and materials and overall would make a positive contribution to the quality of the York St John campus, which is already an effective mix of old and new buildings.

PUBLICITY

3.20 One letter of objection has been received raising the following concerns:

- Construction impacts- construction of previous buildings resulted in construction workers ignoring construction regulations.

4.0 APPRAISAL

4.1 Key issues:

- Principle of the development
- Community uses
- Impact upon setting of Conservation Area and neighbouring Listed Buildings
- Design
- Landscaping
- Residential Amenity inc Daylight/Sunlight
- Ecology
- Sustainability
- Transport and Access
- Safety and Security

LEGISLATION

4.2 In the exercise of an LPA's planning function with respect to development which affects a listed building or its setting, Section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

POLICY CONTEXT

National Planning Policy Framework (NPPF) (February 2019)

4.3 The revised National Planning Policy Framework (NPPF) (2019) sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications.

4.4 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

Education and Community Uses

4.5 Section 8 of the NPPF seeks to promote health and safe communities, and specifically paragraph 94 states that local planning authorities should take a proactive, positive and collaborative approach to widen choice in education.

4.6 Paragraph 92 seeks to ensure that planning policies and decisions plan positively for the provision and use of shared spaces, community facilities and other local services to enhance sustainability of communities and residential environments.

Heritage

4.7 Section 16 of the NPPF considers the conservation and enhancement of the historic environment. Great weight should be given to the asset's conservation.

4.8 Paragraph 192(c) of the NPPF requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Achieving well designed places

4.9 Section 12 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Publication Draft Local Plan (2018)

4.10 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Planning Inspectorate for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

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

Development Control Local Plan (2005)

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

ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT

4.13 Policy ED4 of the 2018 Draft Plan states that development and redevelopment of the Lord Mayor's Walk campus will be permitted provided it is limited to higher education and related uses and the design should take into account the sensitive location of the campus and its setting. It also states that the University must address the need for any additional student housing which arises because of their future expansion of student numbers. The reduction of on-campus student provision will be supported subject to adequate provision being made off-campus. Paragraph 7.13 of the 2018 Draft Plan states the "University is not expected to retain the existing small number of bed spaces on campus subject to adequate provision being made off campus for the accommodation to be decommissioned."

4.14 The existing on-site campus student accommodation blocks contain 80 bedrooms in total. The applicant advise that these accommodation blocks are the lowest in demand and have been underutilised for a number of years. The quality of accommodation provided here is significantly poorer than in other student

accommodation options provided by York St John University. The rooms contain shared facilities' and due to their construction are unable to be converted to provide en-suite facilities without undertaking expensive and inefficient works.

4.15 York St John University provides around 1,600 bedrooms to meet its commitment to providing accommodation for every first year undergraduate. Returning students are expected to make their own arrangements, either within the City or by commuting. The University state that there are around 3,000 other bedrooms in specialist built accommodation, available for rent by students of both universities.

4.16 The applicant has provided details setting out that the loss of the on-site accommodation would equate to 5% of the current University managed stock (and 3% of the stock in the city). The University have entered into several contracts for additional dedicated student accommodation from either 2108/19 or 2019/20. This includes 100 bedrooms at Coal Yard, Mansfield Street, 20 rooms at 49 Clarence Street and 36 rooms at Hello Student developments (presumably across the three sites; Foss Studios, Percy's Place and Samuel Tuke apartments). These developments will provide an additional 156 rooms. It is considered that the proposal complies with the education aims of the NPPF and draft policy ED4.

COMMUNITY USES

4.17 York St John University considers the creative centre as a place to house events, exhibitions, film, musical and theatrical performance and a hub for small business growth in the culture and creative industries, specifically supporting the educational needs of the University. Events may complement the academic provision and it is clarified that it will not be used to provide events or performances that compete with major venues within the vicinity, such as York Theatre Royal and the Joseph Rowntree Theatre. The accommodation of small scale community events could take place here, which enhances sustainability in line with paragraph 92 of the NPPF.

IMPACT UPON SETTING OF CONSERVATION AREA AND NEIGHBOURING LISTED BUILDINGS

4.18 The Central Historic Core Conservation Area boundary runs through the Lord Mayor's campus. The northern part of the site is outside the conservation area boundary, where the existing student buildings are located. Outside of the conservation area and situated in close proximity to the accommodation block A - B is the grade II listed New Chapel.

4.19 Paragraph 193 of the NPPF requires consideration to be given to the significance of a designated heritage asset with great weight given to the asset's conservation; the more important the asset, the greater the weight should be. This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.20 The demolition of the accommodation block A - B would improve the setting of the listed New Chapel. The Creative Centre would not be developed in the majority of the area that is currently occupied by the accommodation block A - B and the proposals indicate the area to be reserved as a space for future development and will be landscaped as a temporary measure. The potential impact of any future development upon the setting of this Listed Chapel would be considered at that time.

4.21 The listed Chapel is set in a complex of buildings with a courtyard area to the north abutting the boundary with Garden Street, flanked by transepts. The proposed creative centre building would be set further away from the Chapel than existing buildings and the setting of this listed building would not be harmed. The proposed building is set to the northern end of the campus, and the separation from the Conservation Area is sufficient to ensure that there will be harm to its setting.

DESIGN

4.22 National planning policies contained within paragraph 127 of the NPPF expect developments to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and ensure that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy D1 of the 2018 Draft Plan seek to improve poor existing urban and natural environments considering the design points of urban structure and grain, density and massing, streets and spaces, building heights and views and character and design standards.

4.23 The proposed student accommodation blocks for demolition are modest and in keeping with neighbouring buildings outside the campus along Garden Street to the north. This northern part of the campus feels somewhat underutilised and the location of the creative hub is considered to appropriately reinvigorate this northern end of the campus. It is complimented in use by the adjacent student union and the public square it creates, which should be a lively and positive contribution to the campus.

4.24 The building has been designed with the primary interest when viewed from the southern public open spaces, with an entrance atrium and sculptural auditorium. Two wings part enclose a public open space, this layout is logical and supported.

4.25 However, whilst the design of the building when viewed within the campus site is considered appropriate, the Garden Street (northern) elevation is considered to result in harm to the street scene contrary to the NPPF and policy D1. This is designed with a flat and uniform elevation, which with an increase in massing over and above the existing accommodation blocks, is considered to create an undesirable imposition on the street that is not typical of the area. Whilst there has been a set back from the road from the proposals presented at pre-application, this is only a marginal

improvement. This rear elevation is proposed to be timber clad, with up to six different timber clad treatments.

4.26 There are opportunities for this elevation to more appropriately respond to the positive urban characteristics of the current neighbourhood architecture. The applicants are amenable for further negotiations to be undertaken to enable a more appropriate arrangement with Garden Street. It is recommended that the revisions involve a less relentless uniform elevation with a significant step-back from the road. It is acknowledged that this step-back may be at the expense of main green space to the south; however there is already extensive green spaces within the campus and the overall relationship of the proposed building to the existing buildings within the campus and neighbouring properties would be significantly improved.

LANDSCAPING

4.27 There are a few attractive, young-mature trees within the existing courtyard garden that are worthy of retention due to their quality and general amenity value. All of these are to be removed as part of the redevelopment of the site. The university grounds are private but publicly accessible. Views of the existing garden and trees are semi public/private and visually contained on three sides by the surrounding buildings.

4.28 The current landscape is that of a quiet enclosed courtyard garden, which is residential and sedate in its nature. The proposed arrangement and building function creates a much busier and potentially appealing central space with a strong identity. The outdoor space is fairly limited in size, but with the right landscape detailing, within and beyond the site, the result could be a good quality environment at an important central node. The proposed tree cover within the landscape layout of the main space would compensate for the loss of existing trees.

4.29 There are currently no trees immediately adjacent to Garden Street within the application site; nonetheless trees are a characteristic of the wider environment associated with Garden Street and the neighbouring Groves area. The proposed scheme includes some tree planting at either end of the Garden Street elevation. Taking account the potential to improve the arrangement of the building with Garden Street, it is considered feasible at this stage to use small fastigiated species along to soften the street edge and the garden street elevation. This can be responded to by the applicant during further negotiations.

ARCHAEOLOGY

4.30 The development lies in the Area of Archaeological Importance and in an area where archaeological features and deposits have been observed. These are undesignated heritage assets.

4.31 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.32 Paragraph 199 of the NPPF advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), and to make this evidence publicly accessible. It states the ability to record evidence should not be a factor in deciding whether such loss should be permitted.

4.33 There is a high probability of finding deposits relating to medieval and post medieval periods of activity. Whilst the development proposal will cause harm to locally significant archaeological resources, this harm is considered to be less than substantial. The proposals seek to provide improved teaching and performing spaces within the University campus, at an established and recognised higher education institution serving the city and wider area, as well as supporting small community events. In line with paragraph 197 of the NPPF, these economic and social benefits of the development are considered to outweigh the harm to these locally significant archaeological resources. A watching brief covering all groundworks is recommended to be secured by condition.

RESIDENTIAL AMENITY

4.34 National planning policies seek development that provides a high standard of amenity for existing and future users (NPPF para 127 (f)). Policy D1 of the 2018 Draft Plan seeks to ensure that design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

Daylight/Sunlight

4.35 The existing accommodation blocks (A - B, E – G) positioned along the Garden Street boundary have staggered rear elevations and at their widest points are positioned 8m (approx) from this northern boundary. The distance of the proposed creative centre from this northern boundary is reduced to 6m. The properties most affected by the proposal are within Burnestone House, Cole Street and Castleton House.

4.36 The application is supported by a daylight and sunlight assessment that has assessed the impact of the proposed creative centre upon neighbouring buildings. In respect to daylight, the report concludes that the proposed development will have limited impact upon neighbouring properties, with the assessed windows in neighbouring properties meeting the Building Research Establishment (BRE) Site Layout Planning for daylight and Sunlight (2011) guidelines for impact upon daylight and sunlight. It is not considered therefore that the Creative Centre would have a

detrimental impact upon the residential amenities of neighbouring properties, in terms of overshadowing.

Outlook

4.37 The windows proposed in the rear (Garden Street) elevation of the creative centre will predominately serve teaching spaces. The majority of the properties along Garden Street do not directly face the University campus, and their existing outlook would not be significantly harmed..

Noise

4.38 The Creative Centre is expected to be used for teaching, performances and practises connected with the creative and performing arts. The Council's Public Protection team are satisfied with the methodology and conclusion of the supporting Environmental Noise Assessment (dated 1 August 2018) that the noise limits at the nearest residential premises are acceptable and noise and other operations undertaken within it, could be adequately contained within the envelope of the building. Subject to conditions requiring glazing and roofing specifications, the application is considered to protect neighbouring residents from noise, emanating from the proposed building.

4.39 It is noted that there will be areas for students to congregate outside the building, however these areas are likely to be within the site, to the south of the building near to its entrance and therefore will likely result in little disturbance to residents residing at Garden St and to the north of the site, to warrant refusal of the application.

Construction Impacts

4.40 It is noted that the objector raises construction impacts and Public Protection has requested a condition requiring a Construction Environmental Management Plan (CEMP) in order to minimise construction impacts during demolition, site preparation and construction phases of the development. The campus is a contained site and separated from neighbouring residential properties by Garden Street. There are specific controls outside planning legislation that are considered appropriate to manage construction impacts and therefore it is not necessary to seek a CEMP in this respect. In addition, the objection raising construction matters carries little weight in the assessment of the application. An informative shall draw the applicants attention to the requirements of the Control of Pollution Act 1974.

ECOLOGY

4.41 All species of bat are protected by the Wildlife and Countryside Act (1981) as amended, and the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

4.42 The buildings on site have been assessed for their potential to support roosting bats. A bat roost emergence and return to roost survey of two of the site's accommodation blocks were identified as having low bat roost potential were undertaken in August 2018. Four Common Pipistrelle bats were seen to emerge from/return to multiple soffit gaps on the front, east facing side of student block identified as I - H.

4.43 The proposals relate to the demolition of the student accommodation blocks and therefore the retention of the roost will be unachievable. The applicant has put forward a method of working to avoid harming bats during demolition and provide a bat box (or other appropriate features) on site to maintain roosting opportunities.
Habitat Directives

4.44 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the Local Planning Authority (LPA) must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

4.45 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 are as follows:

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

4.46 With regards to test 3), the building currently supports a small Common Pipistrelle day roost. Common Pipistrelle bats are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence or works to be undertaken with a Bat Class Low Impact Licence will prevent any direct harm, and it is considered it will be possible to provide a bat box on site to maintain roosting opportunities.

4.47 Given the species supported are a species of 'least' conservation concern and there are opportunities to maintain roosting opportunities within the campus, it is considered that the proposal would maintain the species and favourable conservation status and the three derogation test are met.

4.48 As such, there are no ecological grounds to refuse this application subject to planning conditions which mitigate any potential adverse impacts and enhance the quality of development.

SUSTAINABILITY

4.49 A BREEAM pre-assessment has been undertaken under 'New Constructions: Higher Education' which concludes the proposals will meet BREEAM level 'excellent'. Development meeting this high level of sustainable design and construction is welcomed and is considered to comply with Policy CC2 of the 2018 Draft Plan. Compliance will be secured via condition.

TRANSPORT AND ACCESS

4.50 The transport statement advises that given the accessibility of the site by non-car modes and local parking restrictions, the majority of students regularly walk, cycle or use public transport to access the campus.

4.51 The campus provides a total of 30 car parking spaces including 10 disabled spaces. Surrounding areas including Garden Street and Lord Mayor's Walk have parking restrictions in the form of residents' priority parking scheme (ResPark) zone. Two public car parks are located close to the campus (Union Terrace and Monk Bar). No new car parking spaces will be provided.

4.52 There are covered and uncovered 'Sheffield' stands for cycle parking. A total of 382 cycle parking spaces are available throughout the campus. An additional 14 cycle parking spaces will be provided although it is unclear where these stands will be located and can be secured via condition.

4.53 The campus is served by a number of bus routes and is within walking distance of the city centre.

4.54 Existing service accesses will be retained. The teaching spaces are unlikely to generate additional deliveries over and above the existing stationary and office deliveries. Stage equipment and props may be delivered in connection with external performances and these will be ad hoc. Furthermore the University intend to implement a planning and management strategy to ensure that day-to-day disruption is minimised and this type of delivery can be managed.

4.55 Given the accessibility of the site by non-car modes and proximity to the city centre, and the primary intention of the creative centre to replace existing teaching accommodation provided on campus, it would not result in significant trip generation. The measures put forward to increase accessibility by non-car modes of transport such as increasing cycle parking, the proposal is considered to be acceptable in this regards.

SAFETY AND SECURITY

4.56 An analysis of crime and anti-social behaviour levels undertaken between 1 October 2017 and 30 September 2018 within the vicinity of the proposal are low. Burglary and theft, particularly of pedal cycles are areas of concern.

4.57 The University advise that the campus is monitored by a 24hr security team and CCTV system. The Designing out Crime officer is satisfied that the application has considered requirements of BREEAM security needs assessment and therefore the proposal is acceptable in this regards.

5.0 CONCLUSION

5.1 This application relates to the demolition of three existing student accommodation blocks with a creative centre which would provide teaching and breakout space, along with a multi-function auditorium. The applicant has demonstrated that they have secured dedicated student accommodation, within the vicinity of the campus, to off-set the loss of student accommodation.

5.2 There are concerns that the proposed development, predominately the Garden Street elevation does not appropriately address the visual amenity of the street and take the opportunities to improve the overall visual quality of the area. Officers consider that further discussions relating to this elevational treatment and relationship to the Garden Street and overall landscaping impacts can address these concerns and the applicant has agreed to address this issue.

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION

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

- (1) agree and accept such amended plans for the Garden Street elevation and frontage as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary and thereafter to approve the application as amended and grant conditional planning permission;

(2)finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary.

1 TIME2 Development start within three years

2 ARCH2 Watching brief required

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving, and street furniture. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development and the immediate area.

5 No demolition, including the removal of roof tiles, guttering and soffit boards and any other features suitable for roosting bats as identified in the Preliminary Ecological

Appraisal, BREEAM Ecology Assessment & Bat Activity Survey Report by Applied Ecology Ltd dated October 2018 shall be undertaken to the existing student accommodation block identified as H - I, shall be undertaken unless the local planning authority has been provided with either:

- a) Confirmed registration of the site under a Natural England Bat Class Low Impact Licence; or
- b) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) Confirmation from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To prevent harm to a European Protected Species.

6 No demolition, including the removal of roof tiles, guttering and soffit boards and any other features suitable for roosting bats as identified in the Preliminary Ecological Appraisal, BREEAM Ecology Assessment & Bat Activity Survey Report by Applied Ecology Ltd dated October 2018 shall be undertaken to the existing student accommodation block identified as H - I until at least one tree or building mounted bat box (typically a Schwegler 1F model) has been installed in a suitable south/south east facing location on campus.

Reason: To maintain habitat for a European Protected Species.

7 Details of all machinery, plant and equipment to be installed in or located on the premises which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures in order to achieve the rated noise levels of daytime 31dB(A) and night-time 22dB(A) at the nearest noise sensitive premises. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

8 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 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.

9 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'excellent'. 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 occupation of the building. Should the development fail to achieve a BREEAM standard of 'excellent' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'excellent'. 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 achieving a sustainable development in accordance with the requirements of Policy CC2 of the 2018 Draft Plan and GP4a of the City of York Development Control Local plan.

10 Prior to the operation of the creative centre hereby approved, a plan showing the location of bike stands for 14 additional cycle parking spaces within the campus shall be submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to promote sustainable transport other than the car.

11 LC4 Land contamination - unexpected contam

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Reason: So that the Local Planning Authority may be satisfied with these details for
Application Reference Number: 18/02819/FULM Item No: 3b

the proper drainage of the site.

7.0 INFORMATIVES: Notes to Applicant

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

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

- Negotiation and discussion surrounding Garden Street elevation
- Pre-application discussions
- Additional details including Daylight and Sunlight Assessment

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: Lindsay Jenkins Development Management Officer

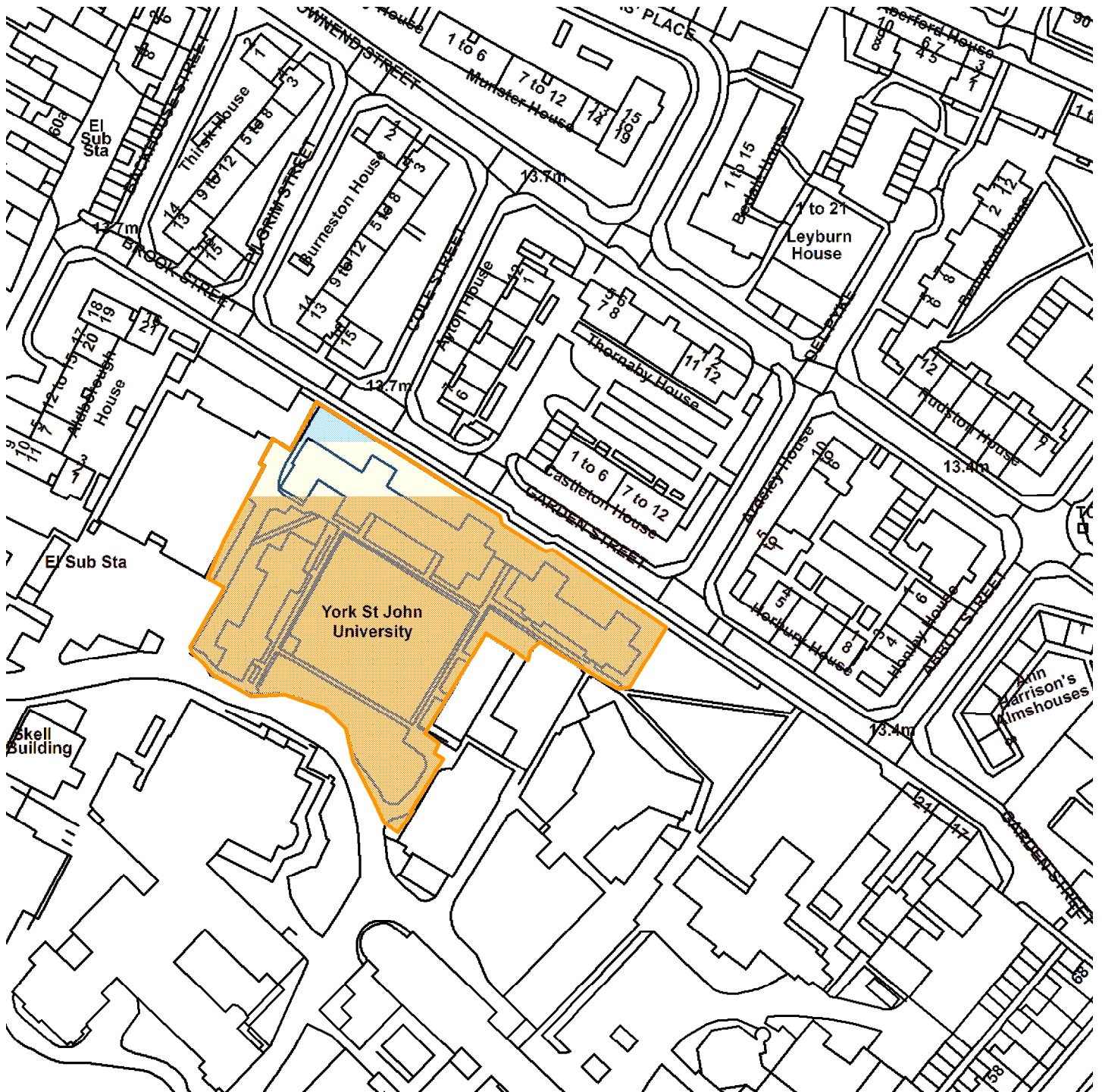
Tel No: 01904 554575

18/02819/FULM

York St John University Lord Mayors Walk YO31 7EX



GIS by ESRI (UK)



Scale : 1:1263

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | Economy & Place |
| Comments | Site Location Plan |
| Date | 09 April 2019 |
| SLA Number | |

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- Relocation of plant/cycle parking provision/refuse to the ground floor (following removal of the basement), all of which are located along the Black Horse elevation;
- Changes to the elevations in part to reflect internal reconfiguration and re-location of plant and services to the ground floor but also representing a “refresh” of the design with the main change being a different fenestration design;
- Changes to the courtyard landscape design to reflect relocation of plant, cycle parking and services to the ground floor;
- Adjustment of the housing mix to reflect the revised floorspace and current market demand.

THE SITE

1.4 The application site relates to Block D only and extends to an area of 0.38 hectares. It sits within the wider Hungate development site and is located off Stonebow, just outside the Central Historic Core Conservation Area with the Conservation Area boundary following the north eastern side of the Stonebow and the northern bank of the Foss, directly adjacent to the completed Block E (Phase 2). Rowntree Wharf, a Grade II listed building is sited opposite the wider development site on the south bank of the river and Lady Hewley's Almshouses (Grade II listed) are located on the opposite side of Stonebow.

1.5 The site of Block D is bound by;

- (i) Black Horse Lane to the north, beyond which lies the Hiscox Building and the Stonebow;
- (ii) Palmer Street, Blocks A, B, and C (Phase 1) of the Hungate development site to the east;
- (iii) Block E of the Hungate development site to the south, beyond which lies the River Foss and Rowntrees Wharf;
- (iv) Dundas Street to the west and Block F (under construction), Block H and Block G of the Hungate development.

ENVIRONMENTAL IMPACT ASSESSMENT

1.6 The potential effects on the environment of the hybrid application (15/01709/OUTM) were considered within an Environmental Statement (ES July 2015). This ES was updated in August 2017 to consider the implications of changes to the outline parameters in respect of Block G.

1.7 An ES Update (December 2018) has been prepared to consider the environmental implications of this revised scheme for Block D in the context of its position within the wider Hungate development site, and to assess the potential for the latest design proposals to result in new or amended environmental effects. This

has resulted in reconsideration of the technical chapters relating to socio-economic issues, transport, townscape and visual impact, flood risk and drainage, air quality, archaeology, cultural heritage and cumulative effects.

1.8 In summary, the ES Update (December 2018) identifies that the proposed development will result in no change to the overall conclusions reached in the original ES (July 2015), as updated by the ES Addendum (August 2017), which concluded that the development proposals would not have significant adverse impacts on the environment or other amenity considerations.

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework (February 2019)

2.2 Draft York Local Plan (4th set of changes (2005) – relevant policies included:

- GP1 – Design
- CYGP3 – Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 – Contaminated Land
- CYGP9 – Landscaping
- CGP15A – Development and Flood Risk
- CYT4 – Cycle parking standards
- CYH1 – Housing Allocation
- CYH2A – Affordable Housing
- CYH3C – Mix of Dwellings
- CYH5A – Residential Density
- CYED4 – Developer Contributions towards Education
- CYL1C – Provision of New Open Space in Development

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

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- SS1 – Delivering Sustainable Growth for York
- SS3 – York City Centre
- SS17 – Hungate
- H2 – Density of Residential Development
- H3 – Balancing the Housing Market
- H10 – Affordable Housing
- HW3 – Built Sport Facilities
- HW7 – Healthy Places
- D1 – Placemaking
- D2 – Landscape and Setting

- D6 - Archaeology
- GI6 – New Open Space Provision
- CC1 – Renewable and Low Carbon Energy Generation and Storage
- CC2 – Sustainable Design and Construction
- ENV1 – Air Quality
- ENV2 – Managing Environmental Quality
- ENV3 – Land Contamination
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage
- T1 – Sustainable Access
- DM1 – Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Design)

Ground Floor Layout

3.1 The new bin store location has chosen the most appropriate street facade (Black Horse Lane) given adjacent building service uses. It is important that the design of these service openings has been carefully considered and is not overly utilitarian or bland.

Private apartment entrances accessed directly off the street is supported. The main pedestrian entrance is less desirable than the extant scheme. Not convinced that cycle access will be encouraged because the access is completely glazed off. This both blocks glimpses of the courtyard and makes it hard to access by cycle.

Upper Floors Layout

3.2 Whilst the increases in the extent of the top floor can be seen, most visual impacts relate to streets that are part of the Hungate masterplan development area. This is considered an acceptable increase.

Significant officer concerns were raised over the level five (six storey) elevation design, which was considered too uniform for such a dominant and large building. The current revision now fully addresses this concern and the proposal is acceptable.

Elevations Design

3.3 Generally well composed, accepting that this is large building and visually imposing. For instance elevation design components such as building corners, or

projecting bays, or balcony types, are handled with a generally pleasing rhythm and are used consistently and logically.

Design, Conservation and Sustainable Development (Archaeology)

3.4 The archaeological mitigation measures (pre-pile probing and an archaeological watching brief on level reductions) are detailed in the archaeological written scheme of investigation, which is covered by the S106 Agreement for the Hungate development.

Highway Network Management

3.5 In respect of the deletion of the basement car park, it is unlikely that Hungate residents would be able to park anywhere that would cause issues as the area around the site (quite a wide perimeter) is covered either by resident parking areas or TROs which means that there is very limited on street parking that they can use legally.

3.6 With respects to cycle parking, there are a number of areas of concern relating to the use of two tier cycle racks, the required headroom for two tier cycle racks and the lack of space between the proposed racks. Also we would draw attention to the limited width of the gated entrance to the courtyard.

Flood Risk Management

3.7 In accordance with the response from the Environment Agency and Yorkshire Water, and subject to the development being carried out in accordance with the FRA Addendum and agreed finished floor levels (the internal Finished Floor Levels (FFLs) of the 'more vulnerable' residential units should be set no lower than 11.015m AOD), the Flood Risk Management Team has no objections to the granting of planning permission.

Public Protection

Noise

3.8 The outline application has a condition in relation to noise levels within internal rooms (condition 31 of 17/02019/OUTM). The noise comments in relation to this application would be similar to the controls already provided by condition 31 therefore no further comments or conditions are required in relation to noise.

Contaminated Land

3.9 The Hungate site has a number of past industrial uses including a gas works, warehouses, garages and timber works. Previous ground investigations have revealed that land contamination is present at the site and remediation work has

already been carried out on parts of the site. Different parts of the site therefore require different amounts of work to make them safe and suitable for their proposed use. Conditions are recommended consistent with those applied previously.

Air Quality

3.10 The controls in terms of air quality have all been adequately assessed as part of the previous permission for this block. The updated AQ chapter of the Environmental Statement submitted states that all the previous conclusions are still valid. It is recommended that a condition is attached in relation to construction management for air quality and noise as per previous consent.

Childrens Services, Education And Skills

3.11 A revised Education contribution is required for this development. Whilst not a material change in terms of predicted pupil yields from Block D (10 primary, 3 secondary, 12 pre-school), the number of surplus places to offset them has dropped. The equivalent of 4 pupil places was originally requested for this phase. New projections show a shortfall of 9 extra school places required by 2022/23 plus a pre-school contribution for 12 places. Using 2018/19 cost multipliers, a contribution of £217,878 is requested as follows;

Primary: Fishergate - Intervention pods for the school halls to manage more intense use of the school (£82,806)

Secondary: Fulford School- All Weather Sports Pitch (£51,756) - This contribution would only be requested if the government's pooling requirement were withdrawn.

Pre-school Provision within 1.5km of the development (£83,316)

Public Realm

3.12 An off site contribution is required for amenity (£45,300) and play space (£54,704), details below;

- the expansion of teaching and workshop facilities at St. Nicholas Fields.
- children's themed educational planting and interactive at Museum Gardens;
- woodland and beck side adventure and educational play at St Nicholas Fields; and
- children / teenager skills and challenge course at Foss Islands Path;

Public Health

3.13 An off-site contribution of £63,900 is required for sport, details below;

- a) changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and
- b) multi-use games area within Heworth Without; and
- c) improvements to Hull Road Park buildings.

Housing

3.14 The viability appraisal undertaken by the District Valuation Service (DVS) in September 2015 covers phases 3-6 (Blocks D, F, G and H), and that appraisal report concluded that 16-18% affordable housing was appropriate (depending on PRS). Following detailed discussion and negotiation, 17% was agreed by Lend Lease and CYC, and approved as a way forward. The approval lasts until April 2020, after which there would need to be a re-appraisal or acceptance of 20% affordable housing.

3.15 Any addition to numbers of apartments agreed in the 15/01709 application will need to provide 20% affordable housing unless a new viability appraisal is submitted which we can assess.

3.16 In lieu of provision on-site (due to high service charges and the inability of RP's to take the affordable apartments), we can agree a commuted sum on this site (as an exception to policy) equivalent to £97k per apartment, as previously agreed.

EXTERNAL

Environment Agency

Original Comments

3.17 The submitted FRA does not adequately assess the development's flood risks and in particular, fails to demonstrate that there will be no displacement of flood flows as a result of the development.

Further Comments

3.18 We have reviewed the technical response note by Waterman, dated 22 February 2019. Based on our review of this information and subject to the development being carried out in accordance with the FRA Addendum and agreed finished floor levels, also stated in the above document, we can now remove our objection to the proposal.

Yorkshire Water

Water Supply

3.19 There is a section of 110mm water main that may cross the border of the site. Whilst it does not appear (based on the submitted proposed site layout drawing) that buildings will affect the pipe, YW will need 24/7 access to this main and structures or trees should not be located within 5 meters of the pipe. Condition recommended.

Waste Water

3.20 The drainage strategy for the development is in accordance with that set out in the Addendum Drainage Management Plan dated May 2017 and presented as Appendix 9 of the ES Addendum (August 2017). The text of the ES (July 2015), as updated by the ES Addendum (August 2017), therefore remains valid and we have no comment regarding foul and surface water drainage.

Historic England

3.21 No comment.

North Yorkshire Police

3.22 There is a strong commitment from the applicant to making this development a safe and secure environment for its residents. This is to be commended. I have no further comments to make regarding the proposal.

Guildhall Planning Panel

3.23 We do not recognise the rationale for the removal of the car parking, which shifts demand to the streets surrounding the development. The root cause of the non-sale of the spaces is the price, rather than the lack of demand. Residents who cannot afford these spaces are therefore parking outside the estate. The density of the development is at odds with the comments in the document that state there will be little effect upon the vehicle movements in the area, with little reference to improved cycle parking and access.

Third Party Representations

3.24 One letter received objecting to the scheme on the grounds that the extended size of the 5th floor would diminish their light and would result in an open air veranda in front of their balcony increasing the potential for noise from those occupants.

4.0 APPRAISAL

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

- Design and visual amenity (height and massing)
- Archaeology
- Highway Issues
- Residential Amenity
- Flood risk and drainage
- Impact on Local Facilities

POLICY CONTEXT

National Planning Policy Framework

4.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", February 2019). Its planning policies are material to the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 7 of the NPPF states planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.3 Section 7 of the NPPF requires good design. At paragraph 56, it advises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

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

City of York Draft Local Plan

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. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2. The site falls within the Hungate Development Site as shown on the Local Plan Proposals Map (2005). It is identified as a mixed use allocation for both office development (B1a) and residential development.

Emerging Local Plan

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

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

4.6 Relevant draft policies are set out in section 2. Policy SS17 of the emerging Local Plan identifies the Hungate site as a Strategic Housing Site (Allocation Reference ST32). The draft allocation reflects permission 15/01709/OUTM. Policy SS17 requires that "design should respect local amenity and character whilst being imaginative and energy efficient. The special character and/or appearance of the adjacent Central Historic Core Conservation Area should be conserved and enhanced".

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

MASSING AND DESIGN

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

4.8 Although the scheme under consideration is a stand alone application and is assessed on its own merits, it is still considered useful to compare it with the permitted scheme as it is similar and was deemed of acceptable design.

Massing

4.9 The massing has changed from the 2015 approved scheme as a result of the increase to the footprint of the 6th floor “box” such that on the south west elevation (facing onto St. Johns Square), the top floor accommodation (seven storey) now runs the full width with the 6th floor also running partially along the Black Horse Lane and Pound Lane elevation. It then steps down to being 6 storeys along Palmer Street (facing Block A). In all locations, the 7th floor is set back from the levels below which reduces the buildings height when viewed from the street and from St. Johns Square in particular.

4.10 The visual impact of the proposed expanded top floor accommodation has been assessed through 3D visuals. Whilst the increases can be seen, most visual impacts relate to streets that are part of the Hungate masterplan development area. Officers consider it to be an acceptable increase.

Design of Elevations / Materials

4.11 The elevational treatment for Block D has been designed to give prominence and a formal aspect on to St Johns Square. The elevations to Black Horse Lane, Palmer Street and Pound Lane present a finer, more detailed grain to the surrounding footstreets. The elevations are designed so that they can be distinguished as a series of joined buildings. The primary elements have verticality with linking elements in between with strong north, east and west corners and a curved corner onto the square. Balconies are generally recessed within the corners to present a strong visual treatment, with projecting balconies along street frontages to help articulate the grain of the plot widths.

4.12 The proposed materials are red facing brick with buff brick within the courtyards to maximise the daylight levels. Glazed brickwork would be incorporated to the St Johns facing elevation and patterned metal cladding would provide a texture and character to the block, providing some individuality to the building over the completed blocks. Vertical grey metal cladding would be used to further recess the top most storey from the surrounding external elevations.

4.13 In the context of this being a large and visually imposing building, Officers consider the elevations to be well composed with the design components handled with a generally pleasing rhythm and used consistently and logically.

4.14 Significant officer concerns had been raised over the level five (six storey) elevation design, which throughout the pre application and application process was considered too uniform for such a dominant and large building. The latest revision addresses these concerns by including a good degree of modelling to this level to make the overall building appear as a genuine series of modulated bays (instead of one uniform length). From many views this modelling also creates a varied

castellated type skyline silhouette/profile (varied skylines being an appropriately York characteristic). The floor plan at this level has been amended so the apartment layout here genuinely benefits from this in-out modelling, rather than just eating in to a standard floor plan. This also enables the creation of many small private amenity roof terraces.

Ground Floor Layout

4.15 The main entrance to the building is located on St Johns Square. It is an important zone because it should ensure security whilst also promote controlled access and provide public glimpses through to an inner private green space. All residents access the building through the central landscaped courtyard where there are four secure entrance lobbies that provide access to circulation cores.

4.16 The entrance zone in this proposed scheme is less desirable than that detailed in the extant permission as it now a single storey cut through rather than two storeys. In order to improve this element of this scheme and encourage a more open, gated approach, which would also render it easier for cyclists to access the courtyard; it is recommended that the decision be subject to a condition requiring amended details of the entranceway design.

4.17 Service activity (plant/cycle parking provision/refuse) that previously had been accommodated within the basement is now at ground floor. It is acknowledged that ground floors in general should maximise positive street activity/use rather than accommodate “dead” service uses which, in large amounts, can have a negative impact on the character of the ground floor. Notwithstanding this, it is considered appropriate that the location of the refuse stores is to the Black Horse Lane elevation given adjacent building service uses and it is also acknowledged that revisions to the design of the service openings have been made to prevent them from appearing overly utilitarian or bland. To further address this concern, the applicant has agreed to commission some art work to the service openings, which will be subject to a condition.

4.18 Private apartment entrances accessed directly off the street are included in the extant permission. This was assessed as desirable because it animated the street with activity and created some sense of ownership/ personalisation of these areas. This approach is largely continued in the current scheme with a number of apartments at ground floor level along Pound Lane and Palmer Street having direct access to the street. This is supported.

Landscaping

4.19 The central landscaped courtyard is for residents only and would provide semi-private space for the ground floor flats together with a lawned communal space with seating and informal play in the centre.

4.20 The courtyard is relatively small and therefore it is acknowledged that it will be dominated by the height of the surrounding properties and receive very little direct sunlight except in the height of summer. Clipped evergreen hedgerows with low railings are proposed to define the private garden terraces which with the three proposed large *Betula* trees, several smaller trees and mixed shrubbery planting, are however considered to be suitably bright and attractive for the space.

4.21 The extent of green roof has increased from the extant permission to encompass 75% of available roof space, which is welcomed. The green roofs are planted with a wide range of flowers and grasses and supplemented with small log piles, small bunds and insect boxes. This is the most valuable approach to planting a bio-diverse living roof, which is also low maintenance.

ARCHAEOLOGY

4.22 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance.

4.23 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 198 details that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Paragraph 199 of the NPPF advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), and to make this evidence publicly accessible. It states the ability to record evidence should not be a factor in deciding whether such loss should be permitted. Draft Local Plan 2005 Policy HE10 and emerging Local Plan Policy D6 reflect national planning guidance.

4.24. Substantial archaeological investigations have been carried out in association with the Hungate development. The archaeological mitigation measures are detailed in an Archaeological Scheme of Investigation (WSI) and a S106 Agreement covers its implementation. The archaeological work required by the S106 Agreement is still in progress.

4.25 An updated ES was submitted to support a revised Outline Application (15/01709/OUTM). That ES has been updated to support this detailed application for Block D. The revised and updated ES for this application states in 8.14 that:

The proposed works within the Block D development area will have a substantial adverse impact on the locally significant Post-Medieval to modern the [sic]

archaeological resource, with a subsequent minor adverse effect on the locally significant Post-Medieval and earlier archaeological resource. This effect will be satisfactorily offset by monitoring the ground reduction under watching brief conditions, hand excavation of the base 1m of the lift shafts and monitoring piling under watching brief conditions. This work will allow structures and deposits to be recorded during the loss of the archaeological resource. The successful completion of the mitigation measures will result in gains in the understanding of the area's historic development.

4.26 As identified in the ES, the development proposal will cause harm to locally significant archaeological resources. This harm is considered to be less than substantial, outweighed by the economic and social benefits of the development in terms of the provision of new housing and the opportunity it presents for regeneration in the area, and has been mitigated by the measures detailed in the WSI. In the context of Paragraph 199 of the NPPF, the ability to record evidence has been considered as part of the planning balance in deciding whether the harm should be permitted, but has not been a decisive factor.

TRANSPORT

4.27 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations.

4.28 The site is in a sustainable location close to the city centre and other local facilities and is well served by a number of high frequency public transport routes. In order to promote and incentivise sustainable travel whilst also reducing dependence on the private car, first residents will be offered a choice of free bus pass or cycle/cycle accessories and membership and drive time credit for the city car club (secured through the S106). Car club vehicles will be located within the development.

4.29 Car parking for the scheme is provided by the existing car parking on site, including the basement beneath Blocks A, B and C (Phase 1) (constructed) and the multi storey car park that forms part of Block F (currently under construction). Efficiencies made within the multi storey car park (and secured as part of a Section 73 application for Block F approved in October 2017) resulted in an increase of 22 spaces over that approved by 15/01709/OUTM. As such, the removal of the basement car park from Block D as proposed by this application represents a net reduction of 44 spaces across the wider site over that which was previously approved.

4.30 The applicant states the following;

Overall 141 car parking spaces remain within Phase 1 and the multi storey car park. This proposed revision to the scheme reflects a demonstrable reduction in the demand and take up of car parking spaces across the wider site over time. Indeed,

this is an appropriate response to car parking provision within a city centre location with low levels of car ownership and accessible by sustainable modes of transport.

4.31 The Guildhall Planning Panel object to the application on the basis that the lack of take up of spaces is an over-pricing issue rather than one of demand with the implication being that Hungate residents are parking elsewhere to the detriment of local residents. However, Officers consider it unlikely that Hungate residents would be able to park anywhere that would cause issues as the area around the site is covered either by resident parking areas or TROs such that there is very limited on street parking that can be legally used.

Cycle parking

4.32 It is proposed to provide cycle parking at ground floor level with several visitor spaces also provided within the private courtyard. 204No. cycle parking spaces are currently proposed (1 space per 1 or 2 bed apartment and 2 spaces per 3 bed apartment). These spaces are split over five secure covered cycle stores that are accessed from the courtyard.

4.33 Officers are concerned with regards to the quality of the cycle parking as proposed and as a consequence, discussions are underway with the applicant. Revised plans are anticipated and Members will be updated at the meeting.

RESIDENTIAL AMENITY

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

4.35 A letter of objection has been received from a resident of Block E raising concerns that the extended size of the top floor would diminish their light and would result in an open air veranda in front of their balcony increasing the potential for noise.

4.36 It is not considered that the development would have an effect on the sunlight levels experienced within Block E given that this block is to the south of the site, such that the elevation from which any light would be lost is north facing and for much of the day is in shadow. It is also not considered that the extended size of the top floor of this block of accommodation would cause a materially noticeable effect in terms of daylight on residents of Block E.

4.37 The issue of the potential for increased noise is noted but in the context of this city centre, relatively dense development, it is not considered that the introduction of outside terraces to serve the top floor units fronting Pound lane, would have a

material impact on the ambient noise levels so as to be unduly detrimental to the residential amenity of residents on the opposite side of Pound Lane. It is therefore concluded that no significant harm to residential amenity would arise from the proposed scheme.

FLOOD RISK AND DRAINAGE

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

4.39 As the application site is located entirely within Flood Zone 3, a Sequential Test has been undertaken which concludes that there are no alternative sites within lower flood risk zones on which to deliver this development opportunity, and demonstrates clear sustainability advantages to the wider community that outweigh issues of flood risk on the basis that the development can be occupied safely in the event of fluvial flooding, and there is low risk from all other sources of flooding. In accordance with Paragraph 159 of the NPPF, the development has also passed the exception test.

4.40 The Environment Agency raises no objections to the proposal subject to a condition requiring compliance with the submitted FRA Addendum and agreed finished floor levels. Yorkshire Water and the Council's Flood Risk Management Team raise no objections subject to the additional conditions to cover permitted surface water discharge rates and the details of the drainage proposals. As a result, the development is considered to be acceptable in planning terms.

IMPACT ON LOCAL FACILITIES

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

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

4.43 Education have identified that the development would generate the need for 10 primary, 3 secondary and 12 pre-school places. Financial contributions totalling £217,878 would therefore be required under Policies ED4 of the 2005 Draft Local Plan and ED6 of the 2018 Emerging Local Plan. The identified projects are intervention pods for the Fishergate school hall to manage more intense use of the school and an all weather sports pitch at Fulford School. The pre-school provision contribution would be spent within 1.5km of the Hungate development. However because of pooling regulations within the CIL Regulations the contribution towards Fulford School works is not being sought.

4.44 The required contribution of £166,122 which is based on the 196 units to be provided in Block D, is significantly greater than the contribution required at the time of the 2015 hybrid application, which amounted to £66,809 and which related to the residential units across all 4 remaining phases of the Hungate site (Blocks D, F, G and H). This increase is in part due to the requirement for a contribution towards pre-school places which was absent previously. In the context of the 2010 CIL Regulations, Officers will establish whether the revised contribution towards Education meets all of the CIL tests. Members will be updated at the Meeting.

4.45 The development would generate the need for off site sports provision in lieu of provision on site. The contribution would be spent in accordance with the City's playing pitch strategy on the provision of pitches, outdoor sport and ancillary facilities at Burnholme Community Health Hub, multi-use games area within Heworth Without; and improvements to Hull Road Park buildings. A financial contribution of £63,900 is requested based on the size of the development and mix of dwellings.

4.46 Similarly the development would generate the need for off site amenity and play space in lieu of provision on site as per the previous applications for the development. A financial contribution of £100,004 is requested and would be spent on the following projects;

- the expansion of teaching and workshop facilities at St. Nicholas Fields.
- children's themed educational planting and interactive at Museum Gardens;
- woodland and beck side adventure and educational play at St Nicholas Fields; and
- children / teenager skills and challenge course at Foss Islands Path;

HOUSING AND AFFORDABLE HOUSING

4.47 The proposal would deliver much needed housing for the City, with the majority being 1 and 2 bedroom properties (99 x 1 bedroom and 90 x 2 bedroom). The remaining 7 dwellings would have three bedrooms. This compares to the extant 15/01709/OUTM scheme which provided 97 x 1 bedroom, 81 x 2 bedroom and 8 x 3 bedroom properties.

4.48 The NPPF states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing.

4.49 In considering the 2015 hybrid application, a viability appraisal was undertaken by the District Valuation Service (DVS) covering the remaining phases. The appraisal report concluded that 16-18% affordable housing was appropriate and further to detailed discussion and negotiation, a level of 17% affordable housing was agreed by the applicant and the Council as a way forward. This approval lasts until April 2020, after which there will need to be a re-appraisal or acceptance of 20% affordable housing. Taking this approval into account and in the absence of a new viability appraisal, the applicants and Officers have agreed to 17% affordable housing for the 186 units as approved with 20% affordable housing for the additional 10 apartments.

4.50 Any approval is subject to the signing of a Section 106 Agreement to cover the above matters, to include any necessary consequential variations being made to the original Section 106 obligation.

5.0 CONCLUSION

5.1 This application seeks permission for revised proposals for Block D, a part six / part seven storey building comprising 196 residential apartments. Whilst there is an extant full permission, the scheme under consideration is a stand alone application and has been assessed on its own merits.

5.2 One of the key revisions to the extant scheme is an increase to the footprint of the top floor accommodation. The visual impact of this revision relates to streets that are part of the Hungate masterplan development area, and as such Officers consider it to be an acceptable increase.

5.3 In terms of elevational treatment, Officers had raised concerns throughout the application process over the level five (six storey) elevation design. The latest revisions are considered to address these concerns by including a good degree of modelling to this level to make the overall building appear as a genuine series of modulated bays. In general terms and in the context of this being a large and visually imposing building, Officers consider the elevations to be well composed with

the design components handled with a generally pleasing rhythm and used consistently and logically.

5.4 The scheme involves the removal of the basement car park, representing a net reduction of 44 spaces site-wide. Whilst concerns have been expressed that the implications of this reduction are that Hungate residents will park elsewhere (outside of the site) to the detriment of the Guildhall ward local residents, Highways Officers have confirmed this to be unlikely given that the area around the site is covered either by resident parking areas or TROs such that there is very limited on street parking that can be legally used. With respects to cycle parking, amended details, which improve the quality of the provision, is awaited.

5.5 With reference to the impact on undesignated heritage assets (archaeological features and deposits), the harm to result is considered to be less than substantial and is outweighed by the economic and social benefits of the development in terms of the provision of new housing and the opportunity it presents for regeneration in the area, and has been mitigated by the measures detailed in the WSI. In the context of Paragraph 199 of the NPPF, the ability to record evidence has been considered as part of the planning balance in deciding whether the harm should be permitted, but has not been a decisive factor.

5.6 It is not considered that the changes to the proposed scheme for Block D will impact on either the sustainable aims of the development proposals, nor is it considered that the changes will have an adverse impact on the existing amenities of neighbouring occupiers or the amenities of occupants of this development.

5.7 In accordance with EIA regulations and procedure, an ES Update (December 2018) has been prepared to consider the environmental implications of this revised scheme for Block D in the context of its position within the wider Hungate development site, and to assess the potential for the latest design proposals to result in new or amended environmental effects. The ES Update (December 2018) identifies that the proposed development will result in no change to the overall conclusions reached in the original ES (July 2015), as updated by the ES Addendum (August 2017), which concluded that the development proposals would not have significant adverse impacts on the environment or other amenity considerations. The development would fulfil the roles of sustainable development outlined in the NPPF and would otherwise accord with national and local planning policy.

5.8 Any approval is subject to the signing of a Section 106 Agreement to cover the following matters, to include any necessary consequential variations being made to the original Section 106 obligation.

- (i) Affordable housing – provision of 17% affordable housing for the 186 units as approved with 20% affordable housing for the additional 10 apartments.

- (ii) Education – a contribution of £82,806 towards intervention pods at Fishergate Primary school and £83,316 towards pre-school provision.
- (iii) Off-site sports provision – Financial contribution of £63,900 towards improvements to Hull Road Park buildings, changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and multi-use games area within Heworth Without.
- (iv) Off-site amenity and play space provision – Financial contribution of £100,004 towards projects at St. Nicholas Fields, Museum Gardens and Foss Islands Path.
- (v) Sustainable Travel - Payment to the occupier upon first occupation of each residential unit either a travel pass or a non-transferable voucher to be used to purchase a bicycle.
- (vi) Car Club payment of £37,200.

5.9 With the exception of the contribution towards Education (reference paragraph 4.44, update to be provided at the Meeting), these contributions are considered to be:

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

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

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

6.0 RECOMMENDATION:

- (i) Permission be granted subject to:
 - a. Prior completion of a Section 106 agreement to secure the following obligations:
 - **an education contribution;**
 - **affordable housing** – provision of 17% affordable housing for the 186 units as approved with 20% affordable housing for the additional 10 apartments;
 - **off-site sports provision** – financial contribution of £63,900 towards improvements to Hull Road Park buildings, changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and multi-use games area within Heworth Without.

- **off-site amenity and play space provision** – financial contribution of £100,004 towards projects at St. Nicholas Fields, Museum Gardens and Foss Islands Path.
 - **sustainable travel** - payment to the occupier upon first occupation of each residential unit either a travel pass or a non-transferable voucher to be used to purchase a bicycle.
 - **car club** payment of £37,200;
- b. Prior completion of any necessary Section 106 Deed of Variation (referred to in paragraph 5.7 above); and
- c. The conditions outlined in the officer's report [and update].
- (ii) The Assistant Director for Planning and Public Protection be granted delegated powers to determine the education contribution to be secured in the Section 106 Agreement;
- (iii) The Assistant Director for Planning and Public Protection be granted delegated powers to finalise the terms and details of the Section 106 Agreement and any necessary Deed of Variation to the existing section 106 agreement as set out in this report; and
- (iv) The Assistant Director for Planning and Public Protection be granted delegated powers to determine the final detail of the planning conditions.

1 TIME2 Development start within three years

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

16058-P0701-- GA Redline Boundary Plan

16058-P0751-A GA Proposed Site Plan

Design and Access Statement (Revision R6 April 2019)

Technical response note by Waterman re Flood Plain, dated 22 February 2019 (ref WIB15079-100-190221-PO-190222)

FRA Addendum (WIB15079-100-R-26-1-2-FRA Addendum)

Floorplans:

16058-P1010-*****C GA Level 00 Plan

16058-P1011-B GA Level 01 Plan

16058-P1012-B GA Level 02 Plan

16058-P1013-B GA Level 03 Plan

16058-P1014-B GA Level 04 Plan

16058-P1015-B GA Level 05 Plan

16058-P1016-B GA Level 06 Plan

16058-P1017-B GA Level RP Plan

Elevations:

16058-P1151-A GA South East Ele 01

16058-P1152-A GA South West Ele 02

16058-P1153-A GA North West Ele 03

16058-P1154-A GA North East Ele 04

16058-P1160-B GA North West+North East Courtyard

16058-P1161-B GA South East+South West Courtyard

Sections:

16058-P1170-B GA Indicative Site Sections

16058-P1175-B GA Section A-A

16058-P1176-B GA Section B-B

Landscaping:

16058 DA Statement R6 Landscaping Plan

D0343_002 A ***Landscape Hardworks and Softworks Ground Floor

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

3 No advance infrastructure and enabling works (including, but not limited to, any works of demolition) shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority.

The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details. For the avoidance of doubt, the approved Advance Infrastructure and Enabling Works are subject to those conditions requiring details to be agreed prior to the approved works being undertaken relating to: a programme of works (condition 11) and submission of a Construction and Environmental Management Plan (condition 21) relevant to the Advance Infrastructure and Enabling Works.

Reason: To ensure that the discharge of conditions does not unreasonably interfere with the development of the site.

4 Prior to the construction of any works above the ground floor slab, large scale detailed drawings of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

(i) Building sections and part (i.e. single bay) elevations through different key fenestration types. This should include sufficient information to understand the proposal so should include, for example: (windows) look-a-like glazing & window opener types; (cladding panels) types & joint positions; (sheet cladding) seam width & laying direction.

(ii) Component details to include (windows) vertical and horizontal sections through window reveals, heads and sills; (soffits) underside treatments to overhanging roofs or tunnels; (balconies) plan, elevation & section to projecting or inset types.

Note: Brick window reveals should be typically 150mm to 215mm (reveal from window frame to building face) in accordance with established site-wide design principles for Block E and punch-hole windows in cladding will be expected to be similar reveal depths.

(iii) 1:20 scale detailed drawings to be provided for approval for all balcony types, privacy screens and parapets and guarding including the guarding between private terrace and green service flat roof.

(vii) A detailed study of the primary entranceway into the courtyard to include provision of architectural detailed drawings at a 1:20 scale for important associated components.

(viii) Detailed drawings (1:20) for the service openings to include doors, any associated louvres and artwork.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

5 Prior to the construction of the external walls of the development, details of large scale workmanship sample panels to be erected on site to include;

(i) Brickwork: 2m x 2m sample panel of brickwork to illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and:

(ii) Seamed cladding: 3 seams wide sample panels so as to understand the proposed jointing type and method shall be submitted to the Local Planning Authority for approval in writing. The approved panels shall be erected on site prior to the construction of the external walls and shall be retained until a minimum of 2 square metres of wall has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works so as to achieve a visually cohesive appearance.

6 Prior to the construction of any works above the ground floor slab (the
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superstructures), notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials (which shall include samples for the service openings), shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

7 Prior to the construction of any works above the top floor slab, details of the lighting for the development, including the roof, shall be submitted to and approved in writing by the Local Planning Authority in advance of the lighting installation and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

8 Prior to the construction of any works above the top floor slab of the development, details of the location and type of any fixed and/or permanent equipment proposed for access and maintenance shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

9 Prior to the construction of any works above the top floor slab, details relating to ancillary protrusions above the roof plane required for servicing such as ducts, chimneys and access hatches except those less than 1m high and over 2m from the edge of the building shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

10 Prior to the construction of the external walls of the development, a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority and such scheme shall include and provide for;

(i) A timetable for the carrying out of all the hard and soft landscaping works related to the development, such works to commence not later than six months after the

substantial completion of the development and in accordance with the landscaping plans listed in condition 2. This will include details of the requirement for an interim landscaping scheme for St John's Square to be provided in the event that the commencement of construction of Block H is delayed beyond 2 years of the first occupation of either Blocks D or F, whichever is the later.

(ii) Edge of building buffer zone treatment such as private external terraces including soft and hard landscape

(iii) updated soft and hard works details at the corner of Black Horse Lane and Dundas Street.

(iv) The final approved landscaping scheme in relation to St. Johns Square, as detailed on Drawing No's D0248_010_D and D0248_012, shall be implemented within a period of six months of the completion of the final Block and completed within six months of the substantial completion of the development.

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

Reason: The landscape scheme is integral to the amenity of the development. The development is large scale and will take years to build out. The constraints of the site mean that the final approved landscaping scheme cannot be implemented until the final Block has been completed, as part of the area will be required to be used as a site compound during construction. An interim landscaping scheme is required to be in place for those occupants of completed blocks in the interests of visual amenity.

11 Prior to the commencement of development of the Block and any advance infrastructure and enabling works approved under condition 3 being undertaken, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works or the approved advance infrastructure and enabling works as the case may be, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- a scheme for signing the promoted construction traffic routing
- where materials will be stored within the site.

The works shall be carried out in accordance with the approved method of works statement.

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.

12 Prior to the construction of any works above the ground floor slab, details of the secure cycle parking areas, including means of enclosure, position, design, materials and finishes, shall be approved in writing by the Local Planning Authority. The block shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that block) have been provided in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To ensure adequate space for such storage, and to promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

13 No gate/door/window shall be fitted so as to open outwards over the adjacent public highway, or in the case of garage doors to protrude forward of the face of the garage.

Reason: In the interests of highway safety and to prevent inconvenience and obstruction to other highway users

14 Full details of the proposed CCTV facilities shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details, prior to any part of the development being brought into use.

Reason: In the interests of safety and visual amenity.

15 Prior to the occupation of the development hereby approved, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines and the submitted Travel Plan dated 22/07/2015. The development shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of

vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

16 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq 8 hour (23:00-07:00) and 45 dB LA Max (23:00 - 07:00) in bedrooms and 35 dB LAeq 16 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. A detailed scheme shall be approved in writing by the local planning authority and fully implemented before the occupation of the development.

Reason: To protect the amenity of residents.

17 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality.

18 Prior to first occupation or use of the development, the approved remediation scheme (entitled: Development Phases 2 & 3 Remediation Strategy, ref: EN6250-R-7.1.4-RA, dated: October 2007) must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

receptors.

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

NOTE:

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

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

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

For lighting, details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as

restrictions in hours of operation, location and angling of lighting.

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

Reason: To protect the amenity of the locality

22 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

The agreed permitted surface water discharge rates are as follows:

Block D - 26.4 l/sec unrestricted to phase 1 drainage and restricted to 6.2 l/sec to proposed drainage to River Foss outfall.

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

23 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

24 Except for any Advance Infrastructure and Enabling Works approved pursuant to Condition 3 and unless otherwise approved in writing by the local planning authority, no construction of superstructures of the development shall take place until measures to divert or otherwise formally close the sewers and water mains that are laid within the site in association with the development have been implemented in accordance with details that have been submitted to and approved in writing by the

Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to maintain the public water supply.

7.0 INFORMATIVES:

1. LEGAL AGREEMENT

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

2. 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:

- pre-application discussion
- request for further information and revised plans to address issues raised;
- the use of conditions to mitigate harm.

3. DRAINAGE

EXISTING INFRASTRUCTURE - There is a section of 110mm water main that may cross the border of the site at grid reference 460800,4517822. Whilst it does not appear (based on the submitted proposed site layout drawing no.HGD-WA-DRG-04-P751) that buildings will affect the pipe, YW will need 24/7 access to this main and structures or trees should NOT be located within 5 meters of the pipe.

For further information regarding the location of the pipe , the developer should contact tech_support.engineer_central@yorkshirewater.co.uk.

4. UTILITIES

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

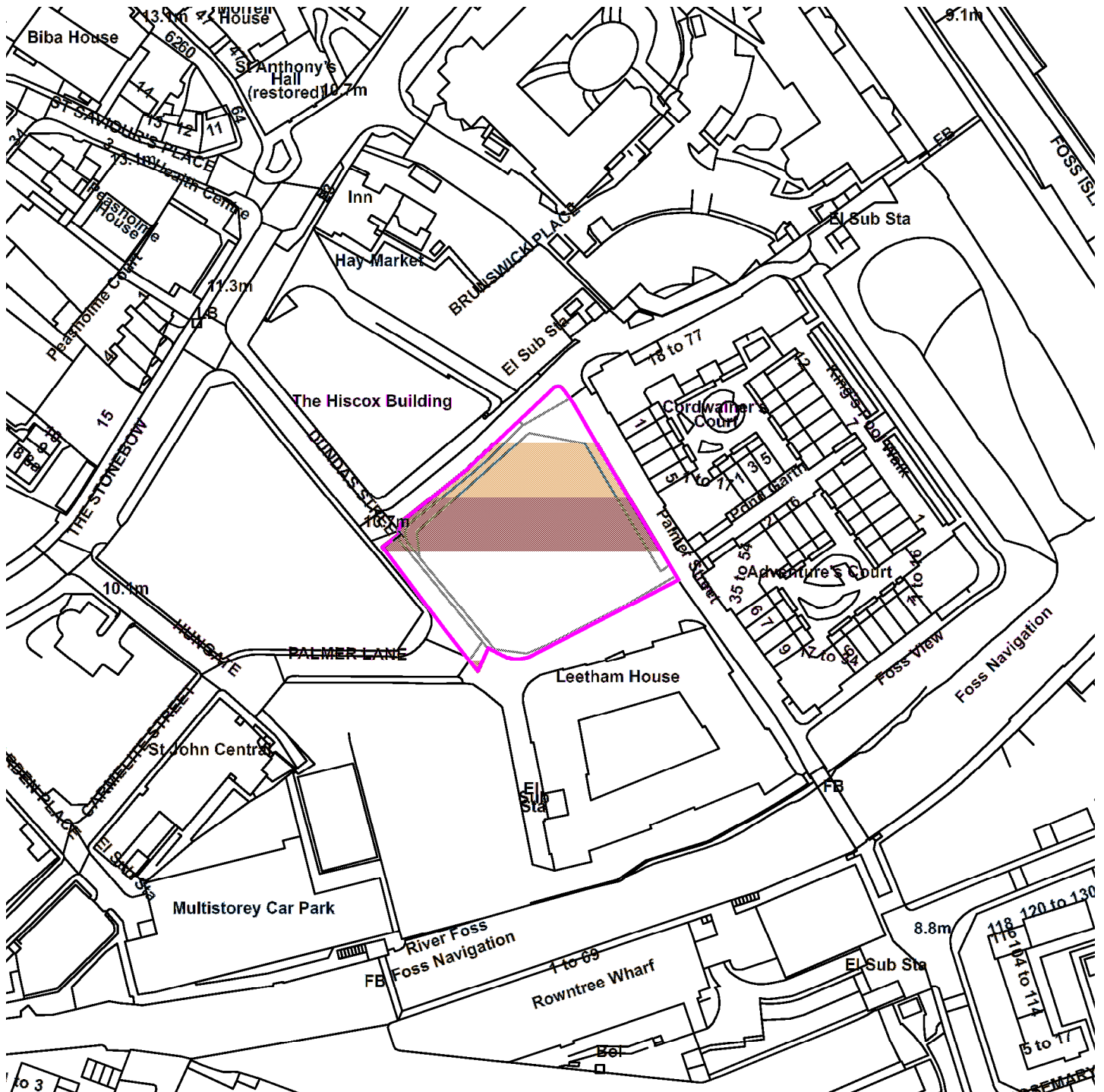
Contact details:

Author: Rachel Tyas Development Management Officer (Tues - Fri)

Tel No: 01904 551610

18/02946/FULM

Hungate Development Site, Hungate, York



Scale : 1:1679

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | Economy & Place |
| Comments | Site location plan |
| Date | 09 April 2019 |
| SLA Number | |

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Side (west) extension would have an area of 298 square metres and up to 10.5 metres in height with a dual pitched roof.

The proposed rear (north) extension would have an area of 298 square metres and up to 8 metres in height with a catslide roof.

1.5 An existing lean to is to be demolished measuring 63 square metres in area meaning the increase in the built form totals 911 square metres.

Planning History

1.6 There is extensive planning history relating to this site, which is summarised below;

08/00856/FULM - Extension to pack house to provide additional potato washing, grading, packing, storage and staff facilities and covered loading bays and additional vehicular manoeuvring space. Installation of wastewater treatment plant - Permitted - 08.08.2008

12/01528/AGNOT - Erection of agricultural building - No objections

15/00871/FUL - Erection of potato store - Permitted - 07.07.2015

17/02813/AGNOT - Erection of agricultural building - No objections

18/01063/AGNOT - Erection of general purpose agricultural building - No objections

2.0 POLICY CONTEXT

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

Saved Policies

YH9(C) Green belts

Y1(C1 and C2) York sub area policy

2.2 Publication Draft Local Plan 2018

DP1 York Sub Area

DP2 Sustainable Development

DP3 Sustainable Communities

SS1 Delivering Sustainable Growth for York

SS2 The Role of York's Green Belt

EC5 Rural Economy

D1 Placemaking

D11 Extensions and Alterations to Existing Buildings

GI1 Green Infrastructure

GI2 Biodiversity and Access to Nature
GI4 Trees and Hedgerows
GB1 Development in the Green Belt
ENV2 Managing Environmental Quality
ENV5 Sustainable Drainage
T1 Sustainable Access

2.3 Draft 2005 Development Control Local Plan

3.0 CONSULTATIONS

Internal

3.1. Highways (Network Management) - No response received

3.2 Environmental Protection Unit - No objection. Informatives recommended regarding construction time, possible contamination and machinery operation.

3.3 Flood Risk Engineer - Pre-commencement condition suggested regarding surface and foul water drainage (Verbal response)

External

3.4 Holtby Parish Council - Having reviewed the planning application, which seems to be on an annual basis with Cockerill's, there is a pattern of gradually increasing the size of the site which brings complaints from the residents of Holtby. Floodlighting, operating hours and noise need to be controlled as to reduce the impact on the village. We are not against a local business being successful and requiring expansion so we ask that CYC take a look at the overall size and use of the site to make sure that the local impact is kept to a minimum.

3.5 Yorkshire Water - No response.

3.6 Foss Internal Drainage Board - The application site lies close to the Drainage Board's district. The applicant is proposing to recycle surface water which is created as a result of this application which the board supports. However no details are provided on how this will be achieved. The Board is aware that a lagoon exists on site which is believed to have a controlled discharge. The Board is however concerned that adequate surface water storage capacity is available on site. This being required to manage excess water in the event of a significant storm and also should the plant close or cease to recycle surface water. Surface water drainage condition proposed if permission granted.

3.7 Site Notice and Publicity

The application has been advertised by neighbour notification and site notice. No responses were received.

4.0 APPRAISAL

4.1 Key Issues

- principle of development
- case for very special circumstances
- impact on the openness of the green belt
- design
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- drainage

POLICY CONTEXT

National Planning Policy Framework (NPPF) (February 2019)

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

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

Development Plan

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

Saved Policies of the Yorkshire and Humber RSS

4.5 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area should in the

City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C. Figure 6.2 of the RSS illustrates the general extent of the Green Belt.

Publication Draft Local Plan (2018)

4.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Planning Inspectorate for examination on 25 May 2018. It is a material consideration in the determination of planning applications. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

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

Draft Development Control Local Plan (2005)

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

ENVIRONMENTAL IMPACT ASSESSMENT

4.9 Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 includes development classified as within the Food Industry, including the packing and canning of animal and vegetable products. Planning Practice Guidance (Para 017) states that if a proposal is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

4.10 Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development. Sensitive areas include

- (a) land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981,
- (d) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage,
- (e) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979,
- (g) a European site;

4.11 The applicable threshold to trigger whether an Environmental Impact Assessment is required is for the area of new floorspace to exceed 1000 square metres. The proposed development is under this trigger point and does not lie within a sensitive area. It is therefore not considered to be Schedule 2 development and an Environmental Impact Assessment is not required.

PRINCIPLE OF DEVELOPMENT – ASSESSMENT OF HARM TO THE GREEN BELT

WHETHER THE DEVELOPMENT IS INAPPROPRIATE DEVELOPMENT

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

4.13 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 goes on to state 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. The exceptions are set in Paragraph 145 of the NPPF and are as follows:

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

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

4.14 The building to be extended as a result of this proposal was approximately 2230 square metres in area, prior to its extension in 2008. The proposed development would increase the floor area of the building by approximately 911 square metres. Taken cumulatively with the 2008 extension, this represents an increase of approximately 150 per cent in the floor area of the original building. This extension is considered to be a disproportionate addition over and above the size of the original building and therefore is inappropriate development. It is necessary to consider whether there are very special circumstances that would outweigh the harm to the Green Belt.

IMPACT ON THE OPENNESS OF THE GREEN BELT

4.15 The NPPF advises that the essential characteristics of Green Belts are their openness and permanence. There is no definition of 'openness' in the NPPF, but it is commonly taken to mean the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site.

4.16 Policy GB1 of the 2018 Draft Plan states that permission will only be granted for development where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York.

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

4.18 The existing site is a cluster of buildings with hardstanding in between to allow for vehicle movements. Two of the three extensions represent infill development, located

within the perimeter of the existing group of buildings. The third extension will lie to the rear of the existing packing building but within the existing tree belt to the north of the building, and therefore is read as within the curtilage of the site. The proposed extensions due to their nature as built development will reduce openness within this part of the Green Belt, however due to their siting within the existing site the loss of openness is considered to be limited.

IMPACT ON THE GREEN BELT PURPOSES

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

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

4.20 The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 Draft Plan, although limited weight can only be attached to the latter. The extensions lie within the curtilage of the existing site, are of continuing use to the existing building and would be of an appropriate design for the rural setting. Due to the above, the proposal is not considered to conflict with the purposes of the Green Belt

4.21 The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has put forward a number of other considerations which they consider would justify the proposal and these are set out and assessed in paragraphs 4.29 to 4.33 below.

IMPACT ON THE CHARACTER OF THE AREA

4.22 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Moderate weight can be applied to Policy D1 of the 2018 Draft Plan which states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

4.23 The proposal is for three extensions, each located on a different elevation of the building. The proposed extensions will individually be subservient in scale to the current building and due to their siting will be predominantly obscured from public view. They will be no higher than the highest point of the existing building. There is a public right of way to the rear of the site, however there is an existing tree belt along the site boundary which reduces visibility into the site. The proposed materials used for the walls and the roof will match those of the existing building being Moorland Green composite cladding which is appropriate for the rural location of the site. Given this, the proposal is considered to have an acceptable impact on the existing rural character of the area and to be an appropriate design.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.24 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan cover amenity and can be afforded moderate weight for the purposes of decision making. The proposed development is set away from neighbouring dwellings and land users with the site surrounded by agricultural fields which are in the ownership of the applicant. Neighbouring buildings are of a commercial or agricultural use. No change of use is proposed to the existing packing building to be extended. While new equipment will be installed in the building, it would be replacing existing equipment. The Council's Environmental Protection team have no objection to the proposal. Holtby Parish Council raised concerns over lighting, hours and noise. Given the proposal is an extension to an existing building and will not result in its change of use, conditions relating to noise and hours of operation would not be enforceable as the rest of the site and building could continue to operate as before. Due to the siting of the building away from other development and due to the existing use, additional control over lighting to the extensions is not considered reasonable.

HIGHWAYS

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

4.26 The proposed extensions would not impact on the existing car parking areas to the site and would not, due to their siting towards the rear of the site, affect highway

safety. The number of full time employees is proposed to increase from 100 to 110. The agent has advised that there are 66 tarmac bays (plus 2 disabled parking spaces) and further overflow parking on reinforced grass areas. Car sharing is encouraged. The increase in floorspace is not considered to materially affect the level of traffic, including heavy goods vehicles, to the site to the extent that highways alterations or measures are required. There is an existing site access to the A166 with a widened splay to allow for the larger vehicles.

DRAINAGE

4.27 Paragraph 163 states when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Sustainable drainage systems should be incorporated in areas at risk of flooding. Policy ENV5 of the 2018 Draft Plan requires sustainable drainage systems be utilised for all developments. This policy can be applied with moderate weight in the decision making process.

4.28 The application site lies in flood zone 1. Surface water as a result of the activities on site is proposed to be recycled and there is an existing drainage lagoon to the rear of the site. No new foul drainage water connections are required for the development. The Council's Flood Risk Engineer has considered the proposal and notes that surface water will need to be drained at some stage. The IDB also advises that a drainage condition is required. The agent for the applicant has confirmed in principle that a pre-commencement drainage condition is acceptable.

CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

4.29 The revised planning statement submitted by the agent makes a case for very special circumstances which is as follows:

- R S Cockerill supplies for Aldi and Lidl supermarkets which require that suppliers are 'future proofed' in terms of demand to ensure they have sufficient capacity. The statement notes that both supermarkets have expansion plans including the opening of new stores in the north and Lidl opening a new depot in Doncaster which the applicant is supplying. Additional space is required for increasing the capacity of the site due to customer demands which require a supplier must be future proofed in terms of capacity. To comply with health and safety legislation, much of the new equipment to be installed has a larger footprint.
- There are environmental benefits, with the new equipment using water more efficiently and able to pack goods using less plastic.
- Furthermore the new equipment is described as a significant step change from the existing technology and will require upskilling current staff and recruiting others. The statement advises that R S Cockerill is engaged with York College in recruiting apprentices for its Engineering and IT departments. 10 new jobs are anticipated.

- The company states it plays an integral role in the local potato supply chain and greater crop utilisations and productivity benefits can be passed back to the supply base in the form of improved returns. This would allow the company to be more competitive, enhancing job security and sustainability.
- If the development does not proceed, the company would become less competitive affecting their suppliers and local potato growers

4.30 There is no set definition of what constitutes very special circumstances with regard to considering development proposals in the Green Belt. The statement provided by the applicant sets out the direct and indirect economic benefits of the proposal including increasing the competitiveness of the company, benefits to local suppliers and providing additional local employment opportunities. There are also environmental benefits including the reduction of water usage and plastic waste.

4.31 Economic and environmental impacts are considered in Section 2 of the NPPF which sets out how sustainable development is to be achieved through three overarching objectives. These are:

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.32 Paragraph 83 goes onto to state that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural and other land-based rural businesses. Given the economic benefits would affect not only the company, but also local suppliers and education providers, significant weight should be applied to this benefit. The environmental benefits of reducing plastic usage and minimising the use of water should be afforded moderate weight.

5.0 CONCLUSION

5.1 The proposed extensions are considered to be inappropriate development within the Green Belt and would, therefore, by definition be harmful to the Green Belt. Substantial weight is to be given to any harm to the Green Belt. In accordance with the NPPF, inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. There is limited harm on the openness of the Green Belt and limited harm to the green belt purposes. The very special circumstances are considered cumulatively to be afforded significant weight in the decision making process. The proposal is also considered to be acceptable on the other relevant matters including design, drainage and highway safety. Moderate weight is considered to be applied to these matters. Weighing up the planning balance, it is considered that with regard to this proposal, the very special circumstances set out do outweigh the identified harm to the Green Belt

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:-

1284-1 rev B received 27 December 2018

1284-4 rev B received 27 December 2018

1284-6 rev B received 27 December 2018

1284-7 rev B received 27 December 2018

P6179-01 rev B received 27 December 2018

P6180-01 received 27 December 2018

P62141-01 received 27 December 2018

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

3 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works,

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

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

4 VISQ1 Matching materials

7.0 INFORMATIVES:

Notes to Applicant

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

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

Requesting the applicant amend their planning statement in an attempt to justify very special circumstances to allow development in the Green Belt.

2. INFORMATIVE

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

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

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

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment

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

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

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

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

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

3. 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:

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Tel No: 01904 551103

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18/02937/FUL

R S Cockerill York Ltd Stamford Bridge Road Dunnington



Scale : 1:3033

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | Economy & Place |
| Comments | Site Location Plan |
| Date | 09 April 2019 |
| SLA Number | |

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1.5 In the Publication Draft Local Plan 2018 the site is within ST19 which is land designated for employment uses to meet identified need for employment land. ST19 along with sites ST26 (Elvington) and ST37 (Wigginton Road) are the three strategic sites allocated to accommodate B2 and B8 uses (general industry, storage and distribution).

1.6 The business park has been extended into the Green Belt over the years as follows -

- Extended to the south to accommodate the area where Acer House, Cherry Tree House, Maple House and Aspen house are now located in 2003 (03/00403/OUT).
- Extended to the west to accommodate Catherine House (Pavers shoes) in 2005 (04/03805/OUT) . A further extension to the west for a warehouse building was given outline planning permission in 2008 (07/02963/OUTM).
- South extension to accommodate Redwood House, for research and development, light industry and offices. Permission initially granted in 2009 (applications 09/02291/OUTM and 12/00024/REMM).
- Permission to develop the application site has been granted previously, under application 13/03170/FULM, for a two storey building accommodating research, development and production laboratories and offices (use class B1) This permission was implemented.

1.7 There is also a current application to relocate Unipart from York Central onto the business park (18/02158/FULM).

1.8 When expansion was previously permitted there were deemed to be very special circumstances to justify development within the Green Belt. These have been as follows when each proposal was judged on its own individual merits-

- The (relevant part of the site) had previously been developed
- Limited impact on the openness of the green belt.
- No appropriate sites available outside of the Green Belt
- The development was important for the local economy.
- The site had been identified in the Local Plan for possible development in future.

PROPOSALS

1.9 This application is for a new headquarters for Future Cleaning Services (FCS). The business is currently at York Business Park but due to growth needs to expand. The business requires offices and facilities for the storage, servicing and maintenance of their fleet.

1.10 The business currently has 50 full time and 100 part time staff. It is envisaged that staff levels will increase in York over the next three years to over 75 Full time and 150 Part time staff.

1.11 The proposal consists of a two storey building of 1,487 sq m consisting of offices and storage facilities, along with a separate, detached workshop of 167 sq m. The office areas provide welfare facilities for all staff including a gym and canteen. The external areas include a car park for staff and visitors (with 54 spaces) and a service yard for deliveries and road sweeper storage / cleaning / maintenance (FCS currently own 5 no. Road Sweeping Vehicles).

2.0 POLICY CONTEXT

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

2.2 The development plan for York comprises the Upper and Nether Poppleton Neighbourhood Plan (2017), Rufforth with Knapton Neighbourhood Plan (2018) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt.

2.3 The application site is not within the Upper and Nether Poppleton or Rufforth with Knapton Neighbourhood Plan areas.

2.4 The saved RSS policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Planning Inspectorate for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.7 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

SS1 Delivering Sustainable Growth for York
SS2 The Role of York's Green Belt
SS23 Land at Northminster Business Park

EC1 Provision of Employment Land
GB1 Development in the Green Belt

2.8 In accordance with the provisions of paragraph 48 of the 2018 NPPF, at this time, given the unresolved objections to the 2018 Draft Local Plan, only limited weight can be attached to the Green Belt policies of the emerging plan. As such it is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed. The site therefore falls within the general extent of the Green Belt.

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

2.10 The revised National Planning Policy Framework was published on 19 February 2019 (NPPF) and its planning policies are material to the determination of planning applications.

3.0 CONSULTATIONS

INTERNAL

Flood Risk Management Team

3.1 Advise that the drainage plan provided is generally acceptable. In summary, foul water will discharge to public foul water sewer via existing onsite private system. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and an existing private piped watercourse is adjacent to the site. Surface water will discharge to this private piped watercourse with storage with a restricted discharge of 0.45 litres/second.

3.2 A condition is required to approve the site specific details. These include the surface water discharge rate, the below ground attenuation tank with surface water attenuation up to the 1 in 30 year event and the means by which up to the 1 in 100 year event with a 30% climate change allowance shall be achieved, and the future management and maintenance arrangements.

Highway Network Management

3.3 Verbally officers have confirmed they have no objection to the scheme, considering the anticipated traffic generation and as the site has an extant permission.

Public Protection

3.4 Noise - officers advise due to the proposed operating hours and as the nearest residential properties are some 175 m there are no noise conditions required. An informative is recommended regarding construction noise and dust.

3.5 Air quality - City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points. Spaces should be for the exclusive use of low emission vehicles.

Strategic Planning

3.6 Officers comments explain the policies against which the scheme should be assessed, the status of relevant local plans and appraisal of the scheme.

3.7 It is against the NPPF (as revised) the saved RSS policies relating to the general extent of the York Green Belt and the Rufforth with Knapton and Upper and Nether Poppleton Neighbourhood Plans that this proposal should principally be assessed. Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies EC1, D1, D2, GI4, CC1, CC2, ENV2 and T1 and T7 should be applied with moderate weight. Only limited weight can be afforded to Policy SS2 and SS23 at this time.

3.8 The site is located within the general extent of York's Green Belt (as per 'saved' RSS policy illustrating the Green Belt's general extent). The proposals amount to inappropriate development in the Green Belt. Substantial weight should be given to the harm caused by the development's inappropriateness and any other harm the scheme causes. Development should not be approved except in very special circumstances; it is for the applicant to prove that very special circumstances exist which would outweigh the potential harm to the Green Belt.

3.9 On the basis of our analysis of the applicant's very special circumstances we agree with their conclusions. There is a requirement for the release of this land from the general extent of the greenbelt now, in advance of the plan, in order to provide land to facilitate the expansion of an existing York based company providing local jobs. It is considered that the economic benefits of the development outweigh any potential harm to the general extent of the Green Belt. It is considered that changes to the general extent of the York Green Belt are required to meet development needs for employment and thereby contribute to achieving sustainable development.

EXTERNAL

Make it York

3.10 Are currently working with and supporting the Future Cleaning Services (FCS) to build a larger facility for their operation. Make it York have over the last three years, worked with and consulted a number of local property agents as well as use their own on-line search facility to identify an alternate site to accommodate the company's expansion. They have exhausted all avenues and even with the help of agents, have not been able to identify any suitable land site or existing building.

3.11 The company is experiencing exceptional growth and this year expect to grow their York based staff numbers by a further 20%. They are currently one of the city's fastest growing companies and last year climbed to number 30 in York's Top 100 company list. This growth is now being threatened by the lack of space in the current building and beginning to have an impact on staffing numbers and trading conditions. FCS is a local York company built up over the last few years and Make it York are keen to support their growth and more importantly job creation.

3.12 The proposed site is ideal for their expansion plans enabling FCS to maintain its growth projection as well as accommodate the specific requirements for different uses within a single unit. To this end Make it York support the current planning application.

Internal Drainage Board

3.13 The board supports proposals to reduce surface water run-off to what appears to be a Greenfield rate.

Yorkshire Water

3.14 Yorkshire Water has no objection in principle to the proposed separate systems of drainage on site and off site and the proposed amount of domestic foul water to be discharged to the public foul sewer network. It is noted that surface water would be drained to a private surface water sewer.

Nether Poppleton Parish Council

3.15 Object on the following grounds -

- Site is in the Green Belt
- The land is highly productive Grade 1 agricultural land and therefore any commercial building development would be in contravention of the Green Belt policy of the Upper and Nether Poppleton Neighbourhood Plan. It is also in contravention of the NPPF paragraphs 83-85.

- While the original Northminster Business Park is lauded as a good example this extension would destroy the good relationship with the resident neighbours who are permanently in the original workers cottages of the farm and nursery that was on this site.
- Development would also destroy the open countryside aspect, the habitat and wildlife that is supported in this area.

Upper Poppleton Parish Council

3.16 Object on the following grounds -

- The proposal conflicts with the essential characteristics of Green Belts (their openness and permanence) and with the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, the sprawl, merging and coalescence of development harm to the openness of the Green Belt. The justifications for the proposal as presented do not clearly outweigh the resulting harm to the Green Belt and visual amenity and as such do not constitute the very special circumstances required to approve the application.
- The number and size of vehicles attempting to enter and leave the proposed development would exceed capacity at the junction with the A59 transport corridor causing increased congestion and delays at peak periods.
- There are six residential properties adjacent to the business park entrance. The proposed development would have considerable adverse impact on the quality of life for the residents.

Rufforth with Knapton Parish Council

3.17 Object to the application because the site is in the Green Belt. No approval to develop this Green Belt land should be given until the Local Plan is adopted and only if the Green Belt status of the site is changed as a result. It is also noted that the Rufforth with Knapton Neighbourhood Plan considers that the proposed extension to Northminster Business Park, as identified in the Publication Draft of the Local Plan is too large.

Publicity

3.18 There have been 5 objections to the application, which include representations from residents on Northfield Lane. The objections raise the following issues -

Green Belt

- The site is in the green belt and there are objections to the proposed expansion of the business park, as proposed in the publication draft Local Plan. Residents note that they oppose the expansion due to amenity, traffic and loss of openness of the Green Belt.
- The Poppleton neighbourhood plan was against any expansion of Northminster Business Park. 91% of the voters approved the neighbourhood plan for Poppleton which clearly stated no further development should take place at Northminster Business Park outside existing boundaries.
- The land is highly productive Grade 1 land and therefore any commercial building development would be in contravention of the Green Belt policy of the Neighbourhood Plan. It is also in contravention of the NPPF para 83-85.

Highways

- Northfield Lane is already relatively narrow and is used extensively by HGVs to/from the Business Park. Further development will increase traffic in and out of the business park without adverse effects on current traffic and residents on Northfield Lane ability to get to and from their homes. The road is already crowded at peak times. A lower speed limit of 30mph has been recommended; currently the limit is 40mph and 60mph south of the Park and Ride entrance.
- Increased development in the green belt and intensification of the site will have an adverse impact on neighbouring residents at Northfield Lane and the amenity of the lane which is used by walkers and cyclists.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues regarding this scheme are -

- Principle of development / application of Green Belt policy
- Highway Network Management
- Ecology / biodiversity
- Amenity
- Sustainability
- Drainage

ASSESSMENT

Principle of development / application of Green Belt policy

4.2 Economic growth beyond 2018 is forecast in the Publication Draft Local Plan (2018 Draft Plan). Employment Land requirements and allocated sites to meet such demand are detailed in policy EC1 of the plan. York Central is the key strategic site for offices whilst research and development, industry and storage and distribution are directed to four other strategic sites. Northminster is one of the strategic sites; each of which are currently in the Green Belt. In addition to these there are smaller employment sites.

4.3 The employment sites have been selected following assessment of all sites put forward for development by interested land owners and tested through the site selection methodology. This methodology enabled the identification of a shortlist of sites in sustainable locations and has safeguarded the special character of the city and its surroundings.

4.4 Northminster has long been identified as a location for employment uses, hence the safeguarded land allocation in the 2005 draft plan and strategic site allocation in the 2018 draft. As part of the technical assessment on the suitability of employment sites Northminster was 4th highest for B1 uses (behind York Central, the university and Hull Road), and joint highest for B8 uses.

4.5 Policy SS23 of the 2018 Draft Plan relates to the business park and its growth. It states “land at Northminster Business Park (site ST19) will provide 49,500sqm across the B1, B2, B8 uses based on a split of approximately 40/60 B1a to B2/B8 which is the current ratio at the existing business park”. The policy requires schemes have high quality landscaping and promote sustainable travel. The latter involves optimising integration, connectivity and access through the provision of new pedestrian, cycle, public transport and vehicular routes to ensure sustainable movement into, out of and through the site, noting the need to connect with the Park and Ride.

Whether the development is inappropriate within the Green Belt

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

4.7 NPPF paragraph 133 states that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

4.8 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. Para 144 goes onto to state 'substantial weight' should be given to any harm to the Green Belt.

4.9 Paragraph 145 advises that the construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. The scheme does not fall within any of these exceptions, and therefore represents inappropriate development within the Green Belt.

4.10 The Neighbourhood Plans for Poppleton and Rufforth with Knapton both raise objections to the enlargement of the business park as proposed in the 2018 Draft Plan.

Impact on the openness of the Green Belt

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

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

4.12 The proposed development is an extension on the south side of the business park, with substantial buildings and areas of hard-standing on a previously open site. It would affect the openness of the Green Belt. The proposed development would conflict with two of the five purposes of the Green Belt as defined in the NPPF in that it would not -

- check the unrestricted sprawl of large built-up areas;
- assist in safeguarding the countryside from encroachment.

4.13 The proposal gives rise to harm to the Green Belt, by reason of inappropriateness and loss of openness, which should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether this is applicable is assessed in 4.33 onwards.

Highway Network Management

4.14 The NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.15 It also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

Modes to encourage sustainable travel

4.16 Due to their nature the strategic employment sites are in peripheral locations. The business is relocating from York Business Park and this location is comparable in terms of being in a sustainable location. It is closer to the Poppleton Park and Ride and there is a cycle route from the South-East of the site (Moor Lane) leading into the city. A Travel Plan is necessary for this location to promote sustainable travel and this would be secured through condition. Policy compliant cycle parking (28 spaces) is proposed by the site entrance and a condition can secure electric vehicle charging points.

Impact on the network

4.17 The site is identified for employment in the 2018 Draft Plan. In order for the plan to be sound, according to the NPPF, strategic polices must make sufficient provision for infrastructure for transport and overall be prepared with the objective of contributing towards the achievement of sustainable development. In other words the impact on the wider network will broadly need to be considered as part of the strategic allocation for the extension to Northminster Business Park. Highways Officers are looking at measures to reduce queuing on the A59 outside of this application.

4.18 The previous scheme for the site which was approved had less car parking (36 spaces) with 56 employees anticipated. The proposed development will include office space for the business staff and provide a base for the fleet of cleaning vehicles.

4.19 At the current FCS premises (where there are 50 full time staff and 100 part time staff) 60% of full time staff travel to work by car on a regular basis. Full-time staff numbers are expected to increase by 20% over the first 12 months of occupancy of the new premises. The full time staff trips at peak hours have consequently been predicted as -

18 am peak

16 pm peak

4.20 This trip generation would result in less than 1 vehicle ever three minute in the am and pm peak periods. Even if all vehicle trips arrived or departed during the peak hour it would be approximately one trip every other minute, the network can cope with this without change.

4.21 The majority of staff are part time / shift workers who are field based. The location is well suited to the proposed use, being close to the outer ring road. Associated vehicle movements will come and go at any time during the day between 5am and 6pm depending on the location of their site. These movements are inconsistent and will typically occur outside of peak hours. As the majority of such traffic will be outside of peak hours, there would not be a significant impact on Northfield Lane and the A59 junction.

4.22 The proposed site is preferred logistically for the business, the majority of associated vehicle movements are cleaning vehicles travelling to/from sites across the city. The number of staff travelling to site during peak hours will be low i.e. under 20. This operation will not have a significant impact on the network.

Ecology / Biodiversity

4.23 The NPPF policy on biodiversity is that when determining planning applications, local planning authorities should apply the following principle: if

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

4.24 The application includes an ecological impact assessment which summarises that the site is very low ecological value. The assessment advises that the scheme will not conflict with policy on the following grounds -

- There will be no impact on any protected or notable habitats due to the development. Habitats on site are entirely ploughed arable, which is of very low ecological value. The boundaries are generally poor, with no continuous hedgerows; hedgerows will be retained as part of the development.
- The risk of impact to Great Crested Newts is negligible, however as a precaution, recommend that reasonable avoidance measures are in place during work to prevent the building site increasing in value due to piled stored materials.
- As part of the redevelopment scheme and to enhance the site it is recommended that bat and bird boxes are installed on site to provide suitable new bat roosting and bird nesting opportunities.
- Boundaries will be gapped up with native hedgerow species; this will increase bird nesting habitat and foraging potential for bats.

4.25 Ecology enhancement shall be secured by conditions which require implementation of the proposed landscaping scheme which includes hedgerows on each side of the site and increased tree cover on the south and west sides of the site. The proposals are policy compliant with regards ecology.

Amenity

4.26 The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.27 The nearest housing to the service yard is the farm by Oakwood Business Park some 160m away. Oakwood Business Park also has commercial / light industrial uses. The houses on Northfield Lane are some 200m away from the proposed service yard; there are intervening buildings and commercial uses closer to the nearest receptors.

4.28 This development has been proposed at the south end of the site on the assumption that it will be compatible with neighbouring offices and will not cause noise disturbance. The uses being applied for are offices and storage/distribution only which are compatible with the locality. Although the fleet of vehicles associated

with the business will be maintained on site all repairs would take place within the workshop. The intention is that lighting is of a low level and this will be secured through condition.

Sustainability

4.29 Local requirements in the 2018 Draft Plan are set out below. These policies carry weight as they are consistent with both the 2012 and 2018 NPPF state that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change.

Policy CC1

New buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.

Policy CC2

All new non-residential buildings with a total internal floor area of 100 sq m or greater should achieve BREEAM 'Excellent' (or equivalent).

4.30 Reductions in carbon emissions and BREEAM can be secured through condition. A BREEAM pre-assessment has been submitted which shows how the development could achieve BREEAM Very Good – this would have been policy compliant under previous guidance.

4.31 The applicants have advised that as a consequence of BREEAM requirements becoming more stringent in the 2018 update (schemes were previously assessed under the 2014 version), and as points cannot be obtained under some categories, due to the distance of the business park from other facilities and services (for example a post office or school) and as the development does not re-use brownfield land, the development could not achieve an Excellent rating. This has been scrutinised and officers are content reasonable evidence has been supplied that show due to the building type, and because the site is Greenfield at a peripheral location, BREEAM Excellent won't be achieved.

Drainage

4.32 The site is in Flood Zone 1; it is not at risk of flooding. Surface water run-off from the business park is from the south-west corner of the site and the run-off rate has been agreed with the Internal Drainage Board. Soakaways are not suitable due to ground conditions. The intention is for underground water storage that will limit run off from the site. The site specific details of this arrangement will be secured through condition; to require the local standard requirement of no increased run off, compared to existing rates.

Consideration of very special circumstances

4.33 As the site is in the general extent of the York Green Belt, the development is regarded as 'inappropriate. It also has an adverse impact on the openness of the Green Belt and conflicts with the Green Belt purposes of preventing encroachment into the countryside. The requirement of demonstrating very special circumstances therefore applies.

4.34 NPPF Paragraph 144 states "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations". Substantial weight is to be given to any harm to the Green Belt.

4.35 The applicants operate a local business based at York Business Park. They have outgrown that site and continue to expand. Northminster Business Park is close to the existing headquarters and is preferred by the applicants, logistically and due to their association with York and Poppleton.

4.36 The applicants require a site which contains offices along with fleet maintenance and storage facilities. The applicants have been unable to find an alternative location in the city. This is re-iterated by Make it York who have provided support for the application, noting the growth of the company and that they have been involved for 3 years looking for a new site before arriving at Northminster.

4.37 The lack of suitable employment land in the city is acknowledged; all the strategic employment sites (in the 2018 Draft Local Plan) for uses of the type proposed in this application are currently in the Green Belt.

4.38 Northminster has long been identified as the Council's preferred location for employment growth being safeguarded in the 2005 Draft Local Plan and now a proposed allocation in the 2018 Draft Plan.

The need for employment land and the site selection process are within the evidence base of the emerging plan and explained in the background text to policy EC1. However it is noted the Northminster site allocation carries limited weight due to the Green Belt location and status of the Draft 2018 Plan.

4.39 It is desirable to accommodate and retain a growing local company. The lack of suitable alternative sites is apparent along with, despite the current Green Belt location, the otherwise suitability of the site. It is also a material consideration that this site already has an extant and implementable planning permission for development of a similar scale and type - 13/03170/FULM.

4.40 Substantial weight is given to the harm to the Green Belt. However, the desire to accommodate and retain a growing local business, lack of suitable alternative sites and the extant permission at the site are considered to cumulatively clearly outweigh the definitional harm to the Green Belt and the harm to the openness and permanence of the Green Belt.

5.0 CONCLUSION

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

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness. The proposal would undermine two of the five Green Belt purposes by increasing a developed area and encroaching into the countryside. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

5.3 That the proposal would accommodate and retain a growing local business, the lack of suitable alternative sites (hence the business park being identified for expansion in the 2018 Draft Local Plan) and the extant permission at the site are considered to cumulatively clearly outweigh the harm to the Green Belt, including its openness when substantial weight is given to the harm. No other harm has been identified when considered against the NPPF. The very special circumstances necessary to justify the development therefore exist.

5.4 Other matters, associated with sustainable development, can be secured through planning permission. The scheme does not conflict with the NPPF in that there would be no severe impacts on the highway network and no significant impacts on residential amenity.

5.5 If members are minded to approve the application it will be referred to the Secretary of State under the requirements of section 77 of the Town and Country Planning Act 1990.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

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

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. the conditions set out in this report with the Assistant Director granted delegated powers to determine the final detail of the planning conditions

Conditions of approval -

1 The development 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:-

| | |
|---------------------|-------------------|
| Location Plan | PL.100 |
| Site Layout | PL.102 C |
| Proposed Elevations | PL.104 |
| Landscaping | 2429/2 G |
| Drainage strategy | 17075-Y-DR-201-P3 |

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

3 Drainage

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

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works

Reason: In the interest of satisfactory and sustainable drainage and so that the Local Planning Authority may be satisfied that no foul and surface water discharges

take place until proper provision has been made for their disposal.

4 Drainage – site specific details required

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

Details shall include –

- Details of any balancing works and off site works.
- Site specific details of the means by which the surface water discharge rate shall be restricted to a maximum rate of 0.45 (nought point four five) litres per second.
- Site specific details of the below ground attenuation tank by which the surface water attenuation up to the 1 in 30 year event and the means by which up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- The future management and maintenance arrangements of the proposed drainage systems.

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

5 Landscaping

The approved soft landscaping 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 in the interests of the character and appearance of the area.

6 Cycle storage

The cycle parking facilities as shown on the approved plans shall be provided prior to first use of the development hereby approved and retained for their intended use for the lifetime of the development.

The cycle shelters shall be Broxap Appollo (for the 8 space shelter) and Archimedes (for the 20 space shelter) unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure adequate space for, and to encourage, cycle use, in accordance

with the National Planning Policy Framework.

7 Electric Vehicle Recharging Facilities

Before the occupation of the development two Electric Vehicle Recharging Points and associated car parking spaces, for the exclusive use of zero emission vehicles shall be provided onsite (parking bay marking and signage should reflect this). The facilities shall be appropriately maintained and made available for the lifetime of the development.

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

INFORMATIVE

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket.
- Each point should include sufficient cabling and groundwork to upgrade that unit and to provide for additional points of the same specification, should demand require this in this future.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

8 BREEAM

Prior to first use of the development hereby permitted a final Design Stage Pre-Assessment Report showing that the development will achieve at least a BREEAM rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

Within six months of first use of the development hereby permitted a Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is delivered, in accordance with policy CC2 of the City of York Publication Draft Local Plan and Section 14 of the NPPF.

9 Energy Efficiency - reduction in carbon emissions

Prior to first use of the development hereby permitted it shall be demonstrated that the development will achieve a reduction in carbon emissions of at least 28%. This shall be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.

Reason: To help increase the use and supply of renewable and low carbon energy and heat, in accordance with paragraphs 151 and 153 of the NPPF and policy CC1 of the Publication Draft Local Plan 2018.

10 Travel Plan

A travel plan, developed and implemented in accordance with National Planning Policy Guidance, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development hereby approved. The plan shall be updated annually thereafter. The development shall operate in accordance with the aims, measures and outcomes of the approved Travel Plan.

The travel plan shall identify specific required outcomes, targets and measures for promoting sustainable modes of travel, and shall set out clear future monitoring and proportionate management arrangements. It shall also consider what additional measures may be required to offset unacceptable impacts if the targets are not met.

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework and policies DP3: Sustainable Communities and T7: Minimising and Accommodating Generated Trips of the 2018 Publication Draft Local Plan.

11 Lighting

The external lighting shall not exceed the recommended lighting levels for Environmental Zone E2 as specified in the ILP Guidance Notes for the Reduction of Obtrusive Light (Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers).

Reason: To avoid light pollution in the interests of the character of the area and general amenity, in accordance with paragraph 180 of the NPPF.

7.0 INFORMATIVES: Notes to Applicant

1. Great crested newt 'Reasonable Avoidance Measures' (RAM's):

- a) Work should take place during the newt active season which runs from February to October (avoiding the hibernation period).
- b) The site should be kept mown short or ploughed for 6 weeks prior to the work to make the area less attractive to newts.
- c) Building materials should be stored on pallets
- d) Materials should be put in skips immediately or stored on pallets.
- e) Any trenches dug shall be filled in the same day to prevent any newts falling in or entering the soil piles overnight.
- f) Any topsoil stripped could be removed from site or put into its final position the same day.

g) If any great crested newts are found during the works, then all works must cease and further advice sought from the ecologist or Natural England.

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans and clarifications in order to make the scheme acceptable and through the use of planning conditions.

3. Control of Pollution Act

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:

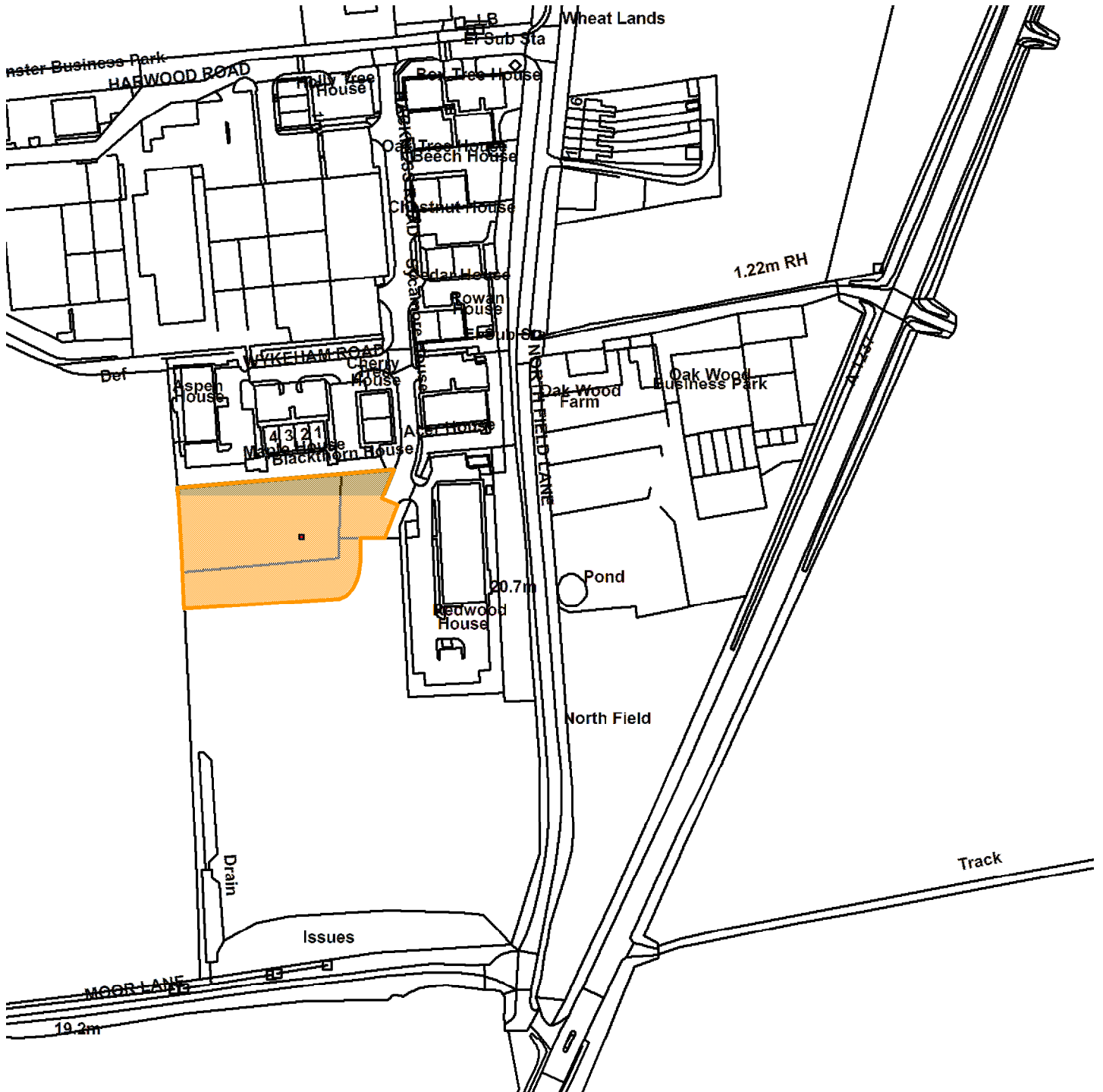
Application Reference Number: 18/02919/FULM

Item No: 3e

Author: Jonathan Kenyon Development Management Officer
Tel No: 01904 551323

18/02919/FULM

Land to West of Redwood House Northminster Business Park Upper Poppleton



Scale : 1:2527

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | Economy & Place |
| Comments | Site Location Plan |
| Date | 09 April 2019 |
| SLA Number | |

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COMMITTEE REPORT

Date: 18 April 2019 **Ward:** Rural West York
Team: Major and **Parish:** Parish Of Rufforth With
Commercial Team Knapton

Reference: 18/02158/FULM
Application at: Land To The South Of Northminster Business Park Harwood
Road Upper Poppleton York
For: Erection of new industrial facility (use class B2/B8 with
ancillary office B1a) with access road, parking and
landscaping.
By: Miss Helen Lowther and Mr George Burgess
Application Type: Major Full Application (13 weeks)
Target Date: 30 April 2019
Recommendation: Approve following Sec of State Decision

1.0 PROPOSAL

1.1 Planning permission is sought for an industrial unit (metal clad building measuring 56.1 metres by 96.9 metres and would be 10.75 metres in height) with ancillary office accommodation with hard standing for the location of cabins for fit out of electronic switching. The majority of the building would be single storey with the exception of the eastern part of the site which would be two storey office accommodation. The proposed building would be for B2 and B8 use class. The production area is required for the manufacture of railway signalling including electronics, relay product solutions, barrier machine fabrication, as well as research and testing. There is provision for a goods yard and circulation. The cladding is proposed to be finished in silver and mid blue.

1.2 The business is currently sited at Leeman Road, the current site was purchased by the Home and Communities Agency in 2017 to facilitate the York Central development.

1.3 Access to the site would be from the Northminster Business Park to the north, through an area currently used as a car park. The York unit currently has 40 - 60 employees and the numbers are not intended to alter with the proposed development. 24 hours operations are required. 71 vehicle parking spaces, 18 motorcycle parking, and 75 cycle parking spaces would provided within the eastern part of the site.

1.4 The application site is 1.86ha. The site is not within a conservation area, and there are no listed buildings in close proximity. The site is within Flood Zone 1. The site is currently used as a field. To the north of the site is the visually enclosed Northminster Business Park; to the east are fields and a small extension of the

business park. To the south of the proposed site are fields and agricultural buildings, and Bridleway 54/1/10. To the west are fields.

1.5 The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does fall within 1 of the 3 criteria set out in the Schedule 2 - The development includes more than 1 hectare of urban development which is not residential development - However it is the view of officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the Regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment was not required.

1.6 Revised plans have been submitted during the application procedure together with highways, drainage, noise, and lighting information.

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.

2.2 The development plan for York comprises the Upper and Nether Poppleton Neighbourhood Plan (2017), Rufforth with Knapton Neighbourhood Plan (2018) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt.

2.3. The site is within the Rufforth with Knapton Neighbourhood Plan area.

2.4 The saved RSS policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Planning Inspectorate for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.6 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

| | |
|------|--|
| SS1 | Delivering Sustainable Growth for York |
| SS2 | The Role of York's Green Belt |
| SS23 | Land at Northminster Business Park |
| EC1 | Provision of Employment Land |
| GB1 | Development in the Green Belt |
| D1 | Placemaking |
| D2 | Landscape and Setting |
| D6 | Archaeology |
| D7 | The Significance of Non-Designated Heritage Assets |
| GI4 | Trees and Hedgerows |
| GB1 | Development in the Green Belt |
| CC2 | Sustainable Design and Construction of New Development |
| ENV1 | Air Quality |
| ENV2 | Managing Environmental Quality |
| ENV3 | Land Contamination |
| ENV5 | Sustainable Drainage |
| T1 | Sustainable Access |
| T7 | Minimising and Accommodating Generated Trips |

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections, adequate turning and car parking have been provided within the curtilage of the site to accommodate vehicles expecting at the site.

3.2 The number of car parking spaces aligns with CYC parking standards; and given that the operator is considering 24 hr operation, there is suitable parking to accommodate shift changes at the site.

3.3 Although the majority of existing businesses nearby are accessed predominantly by car, this site has the potential to be accessed by sustainable modes particularly for staff working a normal day shift, who can access the site via the Park and Ride. Cycling links to the site have been improved, with infrastructure changes at the

nearby junctions including traffic signal controlled junction and underpasses at the ring road. Recommend that a travel plan is conditioned to promote sustainable travel choices.

3.4 The applicant has provided information on traffic generation based on a similar sized plant based in Southport. Maximum peak traffic generation has been calculated as 49 two way trips in the evening peak. Further assessment was provided to assess the effects of development on the junction of A59 and Northfield Lane. Although the generated traffic will have an effect on the network, it is deemed minimal and any adverse effect can be managed by the authority by manipulating the intelligent signals to ensure traffic does clear the A1237 junction, by holding back some traffic on the Northfield Lane approach. Please note that this is only envisaged to affect the signals at extreme peak times. HNM have confidence that the impact of the development can be accommodated and managed successfully within the current highway network. Request HWAY 18 and 19.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.5 No objections, the drainage swales have been removed from the landscaping buffer, and there is an adequate landscape strip along the western boundary.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.6 The proposals will result in the loss of part of an arable field, and a section of species-poor hedgerow (c.20m), dominated by Lawson cypress, to create access to the site. Other boundary hedgerows will be retained in their entirety. The landscaping proposals include the planting of new native species hedgerows and the gapping of existing ones on site which should provide a net gain in this habitat. No protected, notable or invasive non-native plant species were recorded, and there is low potential for the habitats on site to support any.

3.7 The requirement for meeting the BREEAM standard, which includes aspects of ecology, should be secured through planning condition. Request informative for nesting birds;

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.8 A geophysical survey and evaluation trenching has now been completed in support of this application. Despite the Romano-British landscape and nationally significant metalwork hoard identified in the nearby vicinity no archaeological features were revealed during the recent archaeological works on this particular site. An interim report of the evaluation excavation has been received. Six evaluation

trenches were opened but contained no archaeological features or deposits. No further archaeological work is required.

FLOOD RISK MANAGEMENT TEAM

3.9 The FRA states that foul water will discharge to public foul water sewer via existing onsite private system. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site. As stated in the report, surface water will require a pumped discharge to public sewer via existing onsite private drainage system with storage with restricted discharge of 2.0 (two) litres/second.

3.10 Pleased the drainage swales have been removed from the tree planting area and appear to provide the full attenuation below ground. Details of the surface water drainage system can be sought via condition.

PUBLIC PROTECTION

3.11 Comments on the revised information will be reported to planning committee

FORWARD PLANNING

3.12 It is against the NPPF, the saved RSS policies relating to the general extent of the York Green Belt and the Rufforth with Knapton and Upper and Nether Poppleton Neighbourhood Plans that this proposal should principally be assessed. Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, would advise that the policy requirements of emerging plan policies EC1, D1, D2, GI4, CC1, CC2, ENV2 and T1 and T7 should be applied with moderate weight. Only limited weight can be afforded to Policy SS2 and SS23 at this time.

3.13 The site is located within the general extent of York's Green Belt (as per 'saved' RSS policy illustrating the Green Belt's general extent). The proposals amount to inappropriate development in the green belt. Substantial weight should be given to the harm caused by the development's inappropriateness and any other harm the scheme causes. Development should not be approved except in very special circumstances; it is for the applicant to prove that very special circumstances exist which would outweigh the potential harm to the Green Belt.

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

needs for employment and thereby contribute to achieving sustainable development. The relocation from the Unipart's existing site would also help to achieve the Council's strategic aspiration for the redevelopment of York Central.

3.15 No policy objection, subject to discussions with colleagues in design conservation and sustainable development to ensure that they are satisfied with the proposed screening, landscape and setting, archaeology and climate change proposals. Colleagues in transport and environmental health must also be satisfied with the access arrangements, impacts on congestion and be satisfied that the proposal will not have adverse impacts on existing residents in relation to noise and lighting.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

RUFFORTH WITH KNAPTON PARISH COUNCIL

3.16 Object, the site is currently sits within the Green Belt (Fourth set of changes 2005) and as such the proposed development is inappropriate development in the Green Belt. The application attempts to prove special circumstances on the basis of the site being identified for development in the emerging York Local Plan. The Examiner's report for the Rufforth with Knapton Plan (July 2018) ruled that until the York Local Plan is adopted the 2005 definition of the Green belt must stand for development decisions and to be consistent this must rule out this development until such time as the York Plan is adopted.

3.17 If the York Local Plan is adopted and should the extension of Northminster Business Park be included then the criteria detailed in our Neighbourhood Plan Para 8:16:7 should apply.

3.18 The Rufforth with Knapton Neighbourhood Plan has been approved by the CYC Executive for referendum in November 2018 and as such planners are required to give appropriate weight to the policies and contents of the Plan.

NETHER POPPLETON PARISH COUNCIL

3.19 Object, this planned development is not featured in the draft Local Plan that although only at the inspectorate stage of progress still has validity. The Neighbourhood Plan for Upper and Nether Poppleton recognised that this is Green Belt under the reserved RSS Y1 and Y9 Policies and as such should not be developed. The Rufforth and Knapton Neighbourhood Plan, which is currently at the Referendum stage also objects to this development in the Green Belt under the retained RSS policies Y1 and Y9.

3.20 The access and egress from this development is on to an already congested and narrow country lane. Therefore created more vehicle traffic for the original country-employees housing situated on this access road.

3.21 Significant screening is recommended, this will take time to develop. Tree planting should be a priority to shield others on the site from noise and inconvenience to their employees, customers and clients.

3.22 There are many units on this site already which are under or unoccupied. The requirement for further development requires consideration of other development of industrial and commercial use in the Draft Local Plan area.

UPPER POPPLETON PARISH COUNCIL

3.23 This planned development is not featured in the draft Local Plan that although only at the inspectorate stage of progress still has validity. The Neighbourhood Plan for Upper and Nether Poppleton recognised that this is Green Belt under the reserved RSS Y1 and Y9 Policies and as such should not be developed. The Rufforth and Knapton Neighbourhood Plan, which is currently at the Referendum stage also objects to this development in the Green Belt under the retained RSS policies Y1 and Y9.

3.24 The access and egress from this development is on to an already congested and narrow country lane. Therefore created more vehicle traffic for the original country-employees housing situated on this access road.

3.25 Significant screening is recommended, this will take time to develop. Tree planting should be a priority to shield others on the site from noise and inconvenience to their employees, customers and clients.

3.26 There are many units on this site already which are under or unoccupied. The requirement for further development requires consideration of other development of industrial and commercial use in the Draft Local Plan area.

UPPER AND NETHER POPPLETON NEIGHBOURHOOD PLAN COMMITTEE

3.27 In the Poppleton Neighbourhood Plan (PNP) this area is referred to under 8.2 of the plan. The Green Belt is that which was adopted in the 2005 4th set of changes and when the PNP was examined the inspector referred specifically to the safeguarded green belt under the reserved policies of the RSS. This is also highly productive agricultural land being Grade 1 land therefore any commercial building development would be in contravention of the Green Belt policy of the Neighbourhood Plan. It is also in contravention of the NPPF para 83-85.

3.28 While the original Northminster Business Park is lauded as a good example this extension would destroy the good relationship with the neighbours, the countryside and the habitat and wildlife that is supported in this area. Committee should visit to allow a complete understanding of the intrusion into a country lane

that this extension which is potentially the tip of the iceberg of development in this area. It is not supported in the current Local Plan.

ENVIRONMENT AGENCY

3.29 No comments received

YORKSHIRE WATER

3.30 No objections, seek condition for separate systems of drainage for foul and surface water

AINSTY INTERNAL DRAINAGE BOARD

3.31 This will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The Application Form states that the surface water from the development is to be disposed of via a Main Sewer, whilst the Flood Risk and Drainage Report provided with the application advise that the surface water from the site will be disposed of via the land drainage network, to an existing watercourse in the form of Knapton Moor Dyke (a Board maintained asset), some distance to the south of the site. Notes that infiltration has been discounted as a method of surface water disposal however the Board has not seen any evidence of on-site testing to support this position. The Board's preference would be to see sustainable methods of surface water disposal used wherever possible retaining the surface water on site. The Board advise that any connection or direct, or indirect, discharge, or change in the rate of discharge, into to any ordinary watercourse or Board maintained watercourse in the Boards drainage district would require the Boards Consent (outside of the planning process). Seek that the applicant should demonstrate that there is currently operational and positive drainage on the site and a proven, viable, connection to the watercourse.

3.32 Where an existing connection is proven, the Board would want the rate of discharge constrained at the "greenfield" rate (1.4 l/s/ha), plus an allowance for any "brownfield" areas of the site which are currently impermeable (at the rate of 140 l/s/ha) less 30%. With storage calculations to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm event. All calculations should include a 20% allowance for climate change. Seek adequate drainage scheme via condition

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.33 One representation of objection

- Would be undemocratic because the Local Plan has not yet been ratified. Therefore the development would be on an area of safeguarded land.

- Concerned about the increase of traffic and the associated increased risk to pedestrians and cyclists.
- Currently experiencing noise pollution from the business park in the form of constant banging of heavy machinery laying groundworks. Any further development is detrimental to the amenity of the residents of Northfield Lane.

4.0 APPRAISAL

KEY ISSUES

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

ASSESSMENT

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase 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 Poppleton Neighbourhood Plan (2017), Rufforth Neighbourhood Plan (2018) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

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

4.4 The revised National Planning Policy Framework was published on 19 February 2019 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF, the two neighbourhood plans, and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

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

RUFFORTH WITH KNAPTON NEIGHBOURHOOD PLAN (2018)

4.6 The proposed site falls within the Rufforth Neighbourhood Plan area rather than the Poppleton Neighbourhood Plan (2017) area. However the business park is discussed in the Poppleton Neighbourhood Plan where they state that expansion of the business park outside of its current curtilage would compromise the Green Belt.

4.7 The Rufforth Neighbourhood Plan (RNP) sets out that in respect of green belt it is for York's Local Plan to define the detailed boundaries of the greenbelt and until that time should continue to apply the approach to the identification of the Green Belt as set out currently in the RSS and the Fourth Set of Changes Development Control Local Plan (2005). Therefore it is considered that the site is within the general extent of the greenbelt.

4.8 With reference to the draft employment site allocation the RNP advises that the land is prime agricultural land, approximately 50% of which is classified as grade 1 and that prime agricultural land should not be used for development as it is essential for crops and would be lost forever. In addition, they set out that there are

major access and traffic issues, particularly bearing in mind other significant proposed developments in the vicinity, affecting the A59/ A1237 junction.

4.9 It is recognised in the plans that an extension to an existing business park would offer significant employment opportunities for the wider area. However, it is felt that the employment allocation is too large and does not meet their definition for small scale commercial enterprises.

VILLAGE DESIGN STATEMENTS

4.10 The proposed site does not fall within the Rufforth or Poppleton village design statement areas. However design guidelines 27, 28, 35, 43 of the Poppleton Village Design statement are considered to be pertinent.

WHETHER THE DEVELOPMENT IS INAPPROPRIATE DEVELOPMENT

4.11 In the Draft Local Plan (2005) the site is designated as reserved/safeguarded land for post 2011 development to ensure the greenbelt boundaries did not have to be altered. Policy GP24a (Land Reserved for Possible Future Development) states that "Until such time as the Local Plan is reviewed, planning permission on sites designated as reserved land, will only be granted for development that is required in connection with established uses, or alternative uses which will preserve the open nature of the land and will not prejudice the potential for the future comprehensive development of the site". The supporting text to the policy states: it is not allocated for development at the present time but will be brought forward with a review of the plan and therefore should be kept free from any development that would prejudice future development following the review of the Local Plan.

4.12 In the draft Local Plan 2018 the site is not within the Green Belt, it is allocated as an extension to the business park (ST19).

4.13 The site was not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

4.14 Additionally, when the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined it serves a number of Green Belt purposes, including assisting in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built up areas; to preserve the setting and special character of historic towns. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF..

4.15 NPPF paragraph 145 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions. Paragraph 146 states that certain other specified forms of development are also not inappropriate in the Green Belt. The proposed development does not fall within any of these exceptions criteria of paragraphs 145 and 146 of the NPPF. The proposed building therefore is inappropriate development in the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

IMPACT ON THE OPENNESS OF THE GREEN BELT

4.16 The proposed development by virtue of the use and structures would result in an increase in the built form and a coalescence of development and encroachment of development into the Green Belt therefore resulting in harm to the openness and permanence of the greenbelt.

IMPACT ON THE GREEN BELT PURPOSES

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

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

4.18 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. Additionally, the proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicants' case for very special circumstances is assessed at paragraphs 4.35 to 4.40 below.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.19 The proposed site is classified as agricultural land by DEFRA - Grade 3b (moderate quality agricultural land). The NPPF states Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. It is considered that a recommendation of refusal of the loss of Grade 3b land would not be defensible at appeal.

4.20 The proposed development falls outside of the adjacent landscaped enclosure of the business park. The site and the surrounding landscape are flat and open, and the site is visible from a relatively significant distance, particularly from the nearby bridleway. The proposed development by virtue of its scale and massing would be prominent in this location. The proposed development would result in significant change to the landscape character.

4.21 The current proposed plans show an area of deciduous treed landscaping to the south and west of the site, the depth of the landscaping is considered to be sufficient to provide adequate screening. The deciduous planting is considered to be more in keeping with the surrounding landscape character than the use of evergreen trees. If the screening landscaping can not be provided the proposed development would result in significant visual and character harm to the area and the greenbelt and would be visible and prominent from the public realm. Securing a substantial tree belt along the outer edges of such a development is essential for the purposes of screening and softening this hard edge of the business park where it abuts the open countryside at the outer edge of York. The retention of the landscaping can be sought via condition together with further details of the landscaping.

4.22 The area is particularly dark and therefore sensitive to light pollution and nuisance. The existing business park has low key lighting and its impact is mitigated by the substantial existing evergreen screening. Further information was requested to satisfy officers that adequate lighting can be achieved on site that does not result in harm to the character and visual amenity of the area, particularly as the site would be surrounded by deciduous planting and therefore initially would have less screening than the existing business park. The lighting levels to the HGV yard and the loading areas are considered to be too high during night time hours and this would result in harm to the character of the areas and may result in residential amenity issues. The agent has advised they would accept a condition to switch off the lighting in this area during night time hours. At the time of writing the report officers were awaiting comments from Public Protection regarding additional information. It is considered that the issues can be overcome via suitable conditions. Public Protection comments and proposed conditions will be reported at the committee meeting.

4.23 The design and proposed materials are similar to units within the adjacent business park, the height is similar to the adjacent Pavers site. There are some

concerns regarding the colour finish of the proposed building - silver and royal blue as this could further emphasise the prominences of the building in this location. Further details of the materials can be sought via condition to ensure the finish is appropriate. It is likely that a matt finish would be more appropriate.

IMPACT ON RESIDENTIAL AMENITY

4.24 From a site visit to the current Unipart building (to the west of the railway station) officers noted that there were loud noise issues arising from the equipment on site, particularly audible from outside of the building. The proposed development differs from the majority of the other business within the business park, in that it is more 'industrial nature' than the other business, the existing buildings within Northminster Business Park are used mostly for warehousing and distribution and office use which are typically a quieter use than the proposed.

4.25 The applicant has requested 24 hour opening.. The submitted noise information assumes that only 1 HGV lorry movement will take place at night. This would mean that overall Leq levels would not be loud enough to affect the amenity of nearby residents. Should the number of vehicle movements increase, however, then the noise levels that nearby residents would experience is likely to increase.. The applicant has agreed that a condition restricting to 1 HGV visiting the site between 18.00 hours and 05.00 hours. In addition the Public Protection team have requested a restriction to the hours of the jet wash to ensure that it is not used at night when it would exceed the background noise levels and potential cause a noise disturbance. At the time of writing the report officers were awaiting comments from Public Protection regarding additional information. It is considered that the issues can be overcome via suitable conditions. Public Protection comments and proposed conditions will be reported at the committee meeting.

DRAINAGE

4.26 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. The NPPF requires that suitable drainage strategies are developed for sites so there is no increase in flood risk elsewhere. Policy GP15a of the Development Control Local Plan (2005) and Policy ENV5 of the Publication Draft Local Plan (2018) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

4.27 The site is within Flood Zone 1. Revised plans have been submitted removing the drainage swales which conflicted with the landscaping and now show the disposal of the 1 in 100 year event (and 30% for climate change) draining to underground attenuation tanks. Further site specific details are required, however it is considered that these can be sought via condition.

TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.28 NPPF advises significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

4.29 The business park is not served by public transport, the nearest bus route (Poppleton Park and Ride) operating approximately every 15 minutes. The bus stop is approximately 900 metres from the proposed development. However the wider area has already been developed as a business park without the provision and benefit of public transport. It is not considered that the refusal of the unit on the grounds of lack of access to public transport would be defended at appeal given the surrounding development. The proposed parking levels are within the CYC parking standards

4.30 The application was accompanied by Transport Statement and further information has recently been submitted. The Highway Network Management Officers have confirmed they have no objections to the proposed development.

4.31 There is the intention to have 2 vehicle recharging points. The City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points. It is considered the recharging points can be sought via condition.

Sustainability

4.32 Local requirements in the 2018 Publication Draft Local Plan are as follows -

- Policy CC1 - New buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.
- Policy CC2 - All new non-residential buildings with a total internal floor area of 100 sq m or greater should achieve BREEAM 'Excellent' (or equivalent).

4.33 Reductions in carbon emissions and BREEAM can be secured through condition. A BREEAM pre-assessment has been submitted which shows how the development could achieve BREEAM Very Good – this would have been policy compliant under previous guidance.

4.34 As points cannot be obtained under some categories, due to the distance of the business park from other facilities and services (for example a post office or school) and as the development does not re-use brownfield land, the development could not achieve an Excellent rating. Officers are content that due to the building type, and because the site is Greenfield in a peripheral location, BREEAM Excellent would not be achieved. However it is considered necessary to condition that the building achieves BREEAM very good .

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

4.35 The Applicant has forwarded the following factors to be considered as very special circumstances:

- Employment allocation in Draft Local Plan (2018)
- Retention of business in York
- Facilitating development on York Central Site
- Precedent - business park has previously been extended
- Does not conflict with purpose of including land within the green belt

4.36 Consideration has been given to the weight to be given to the employment allocation in the Draft Local Plan 2018, however it is considered that the site is within the general extent of the greenbelt. The proposed allocation and the draft Local Plan (2018) have yet to be assessed by the Planning Inspectorate and therefore the proposed allocation has very limited weight at this stage of the Local Plan process.

4.37 The agent argues that the site does not conflict with the purposes of including land within the greenbelt but officers disagree because, as set out in the above assessment in paragraphs 4.17 and 4.18, the proposed site and development would impact on the purposes of including land within the greenbelt of preventing encroachment into the countryside and coalescence of development. The implementation of substantial landscaping would mitigate some of the visual intrusion but would not remove the harm to the openness of the greenbelt.

4.38 The agent argues that the precedent of the extension of the business park has been set by previous applications. Whilst there has been limited extension of the business park in each case very special circumstances were demonstrated. They each had their own justification and it is not considered that precedent can be used as a very special circumstance; and as such this justification is considered to have no weight.

4.39 The agent argues that the relocation from the Unipart Rail's existing site which would help to achieve the redevelopment of York Central. The relocation of the

business to enable to the Council to meets its strategic aspirations is considered to have moderate weight in favour of the proposal.

4.40 The agent has submitted a list of other sites (with only 2 of the 8 sites within the Council boundary) that they assessed and found not to be acceptable. It is set out in the applicants' Planning Statement that if a site cannot be found within York, which is the preferred location due to staff, then Unipart Rail's York operations would have to relocate to an alternative Unipart Rail facility outside of the York administrative area. As such if this site is not accepted there is the risk that it could result in the loss of the company from the city. In turn, this would lead to job losses that would impact on the city's economy. There are approximately 40-60 people employed at the UniPart Rail existing Leeman Road site. This justification is considered to have significant weight in favour of the proposal.

4.41 Cumulatively the economic benefits and the retention of jobs within the city, and the fact that Unipart has been made to relocate to enable the redevelopment of a key brownfield site within the city, and, having given substantial weight to the harm to the Green Belt, are considered to be cumulatively 'very special circumstances' that clearly outweigh the definitional harm to the greenbelt, the harm to the openness and permanence of the Green Belt and the harm to the visual character and amenity arising from the proposed development.

5.0 CONCLUSION

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

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

5.3 It is considered that cumulatively the economic benefits and the retention of the business and jobs within the city, and the fact that Unipart is to relocate to enable the York Central site to be regenerated, are considered to clearly outweigh the harm to the Green Belt and the harm to visual character and amenity identified in this report, even when substantial weight is given to the harm to the Green Belt.

Consequently, the very special circumstances necessary to justify the proposed development exist.

5.4 The Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals that constitute inappropriate development within the Green Belt, and are recommended for approval, are referred to the Secretary of State for consideration.

6.0 RECOMMENDATION:

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

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. the conditions set out in this report with the Assistant Director granted delegated powers to determine the final detail of the planning conditions

1 TIME2 Development start within three years

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

Drawing Number 1214-01 Revision N 'Location Plan' received 07 November 2018;
Drawing Number 1214-03 Revision S 'Ground Floor Plan' received 12 March 2019;
Drawing Number 1214-04 Revision K 'F.F. & Roof Plan as Proposed' received 03 October 2018;
Drawing Number 1214-05 Revision H 'Proposed Elevations' received 20 September 2018;
Drawing Number 1214-06 Revision F 'Part Elevations (As Proposed)' received 12 September 2018;
Drawing Number 2959/1 Revision A received 12 September 2018;
Flood Risk & Drainage Assessment Report (ref: 16112-Y-RP-001-R4) received 04 April 2019;
Drawing Number 16112-Y-DR-201 Revision T5 'Drawing Layout' received 04 April 2019;

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

3 VISQ8 Samples of exterior materials to be app

4 Details of all means of enclosure to the site boundaries shall be submitted to
Application Reference Number: 18/02158/FULM Item No: 3f

and approved in writing by the Local Planning Authority prior to the occupation of the development and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties. Insufficient details were submitted in the application. In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed planting plan in accordance with the approved Landscape Masterplan (Drawing Number 2959/1 Revision A received 12 September 2018) which shall include the species, stock size, density (spacing), and position of trees, shrubs, and other plants. It will also include details of tree pits and support and ground preparation and fencing. Any trees or plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

6 Before the commencement of and during building operations, adequate measures shall be taken to protect the hedges shown as being retained on Drawing Number 1214-03 Revision S (received 12 March 2019) and Drawing Number 2959/1 Revision A (received 12 September 2018). Land levels should not be altered (raised or excavated) within the root protection areas. A site specific tree protection method statement shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area. In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

7 HWAY18 Cycle parking details to be agreed

8 HWAY19 Car and cycle parking laid out

9 Within 6 months of occupation a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be based on the submitted Framework Travel Plan; developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said

Travel Plan as approved. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel. To ensure the development complies with advice contained in local and national planning and transportation policy, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users. The travel plan submitted with the planning application lacked some details.

10 Two electric vehicle recharge points shall be provided with the parking areas hereby approved. The recharge points should be installed prior to first occupation of the building and shall thereafter be retained for the lifetime of the development. The location and specification of the recharge points shall be submitted to approved in writing with the Local Planning Authority prior to installation

INFORMATIVE: Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

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 110 of the National Planning Policy Framework.

11 No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority. The information shall include site specific details of:

- i) the pumping station by which the surface water discharge rate shall be restricted to a maximum rate of 2.0 (two) litres per second;
- ii) the surface water attenuation tank(s) for the achievement of the 1 in 100 year event with a 30% climate change allowance; and
- iii) the future management and maintenance arrangements of the proposed drainage systems

The development shall take place in accordance with the approved details.

Reason: Insufficient drainage details were submitted with the application therefore further information is required so the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The information is sought prior to commencement to ensure that drainage details are approved in advance of the carrying out of any groundworks on the site, which may compromise the implementation of an acceptable drainage solution for the development.

12 Prior to first use of the development hereby permitted a final Design Stage Pre-Assessment Report showing that the development will achieve at least a BREEAM rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

Within six months of first use of the development hereby permitted a Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is delivered, in accordance with policy CC2 of the City of York Publication Draft Local Plan and Section 14 of the NPPF.

7.0 INFORMATIVES: Notes to Applicant

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

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

- Requested additional information
- Requested revised plans
- Use of conditions

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:

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(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

3. INFORMATIVE: NESTING BIRDS

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

4. INFORMATIVE:

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

5. DISPOSAL OF COMMERCIAL WASTE

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

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

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.

6. INTERNAL DRAINAGE BOARD INFORMATIVE

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

Contact details:

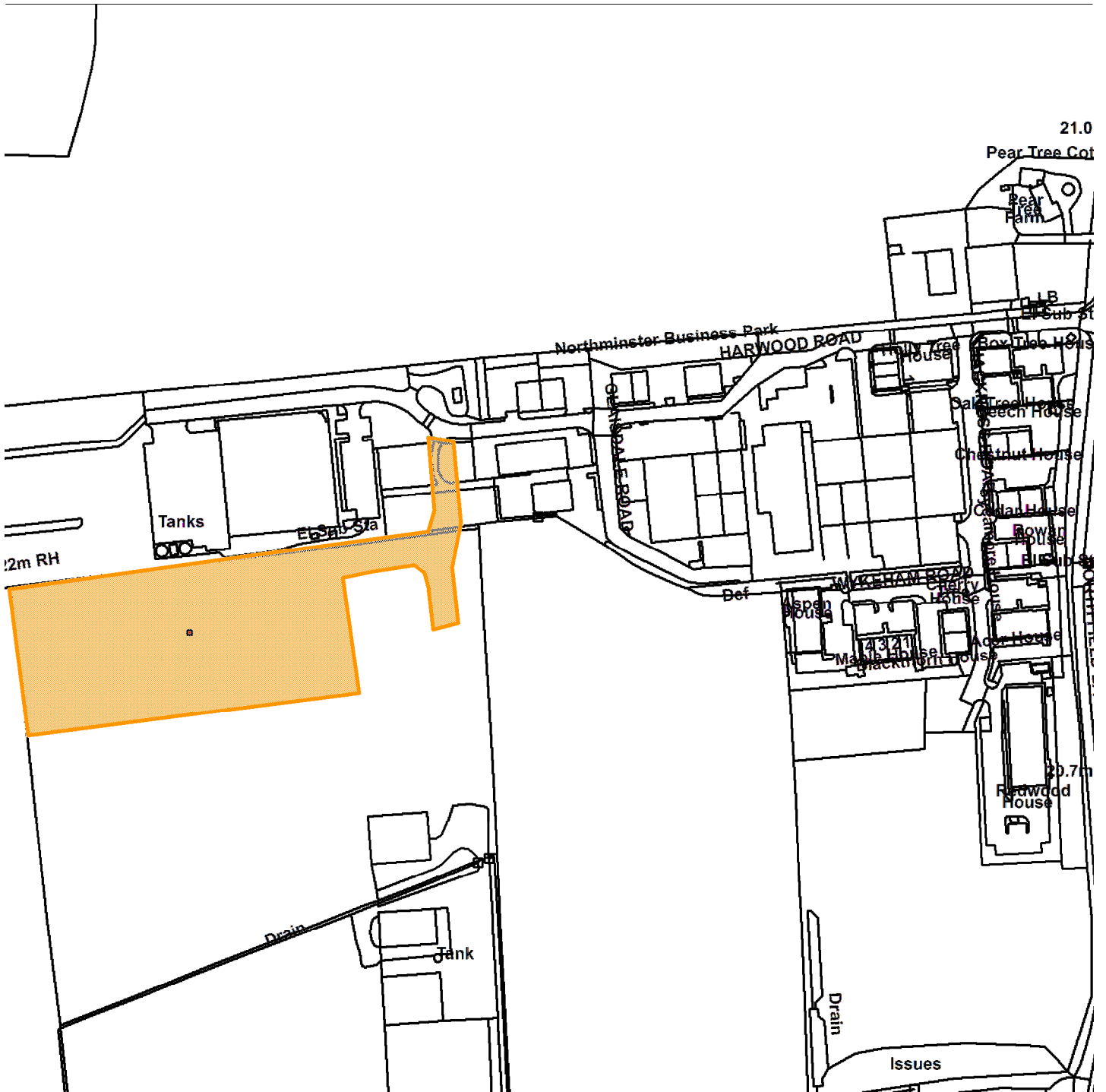
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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18/02158/FULM

Land to South Of Northminster Business Park Upper Poppleton



Scale : 1:3033

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| Organisation | City of York Council |
| Department | Economy & Place |
| Comments | Site Location Plan |
| Date | 09 April 2019 |
| SLA Number | |

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COMMITTEE REPORT

Date: 18 April 2019 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
Commercial Team Parish Council

Reference: 16/01061/FUL
Application at: Forest Hill Farm Pottery Lane Strensall York YO32 5TW
For: Change of use of land and building to a bus depot including
an extension to the north elevation of the main building
complex and a detached single storey office building, and
hardstanding (retrospective) (resubmission)
By: York Pullman Bus Company Ltd
Application Type: Full Application
Target Date: 26 April 2019
Recommendation: Refuse

1.0 PROPOSALProposal

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

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

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

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

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

1.5 The application was deferred at the February 2019 Planning Committee at the applicant's request and following a letter sent on behalf of the applicant prior to the meeting. This letter raised issues with comments made in the committee report, which are summarised as follows:

- The inference that the refusal would have little impact on the applicant's business is entirely wrong – it would result in loss of local jobs and loss of the local home-to-school bus service operated from the site as well as putting the whole community in peril;
- The site should not be treated as Green Belt, but if it is, there are Very Special Circumstances comprising of the loss of livelihood, employment and local transport services;
- NYCC consultation response is misleading;
- Parish Council objections have been resolved by agreed provision of passing places;
- 2009 and 2011 Street View images do show vehicles being kept externally on the site;
- The description of the network of depots is misleading as not all are owned by the applicant and the implication that the company has capacity in other areas is wrong;
- The site at Rufforth serves a different geographical area and the recent CLU was on behalf of the applicant Rufforth Estates Limited;
- Rail replacement services are not typically operated from Forest Hill Farm, but the loss of Forest Hill Farm would put the company in severe jeopardy directly impacting on the availability of rail replacement services in York.

2.0 POLICY CONTEXT

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

2.2 National Planning Policy Framework (July 2018)

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

- CYSP6 - Location strategy
- CYSP8 - Reducing dependence on the car
- CYGP1 - Design

- CYGP4A - Sustainability
- CYGP9 - Landscaping
- CGP15A - Development and Flood Risk
- CYNE3 - Water protection
- CYGB1 - Development within the Green Belt
- CYGB3 - Reuse of buildings
- CYGB11 - Employment devt outside settlement limits
- CYT4 - Cycle parking standards

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

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

3.0 CONSULTATIONS

INTERNAL

Public Protection

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

Network Management

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

Planning and Environmental Management (Landscape Architect)

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

Forward Planning

3.4 It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed. Policy GB1: Development in the Green Belt, in relation to the setting of detailed boundaries for York's Green Belt through the Local Plan is considered to have limited weight at this stage in line with para 48 of the NPPF due to the fact that there are unresolved objections to be considered through the examination in public.

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

3.6 Previous advice concluded that although the use of the site as a bus depot could help deliver a fundamental shift in travel patterns by providing a facility to improve public transport, the nature and the extent of the development for which retrospective planning permission is being sought could be considered as 'inappropriate development' and, by definition, harmful to the Green Belt, so it

should not be approved except in very special circumstances. The applicant at that point did not appear to have demonstrated a sufficient case for very special circumstances (i.e. to show that the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations) and therefore a Policy objection was raised to both previous applications. This issue remains to be resolved.

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

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

3.9 The 2018 Draft Plan Policies Map illustrates the proposed inner and outer boundaries of the York Green Belt. York's Green Belt boundary has been drawn to maintain openness and retain permanence, reflecting the guidance set out in NPPF

above. Broadly, the proposed Green Belt boundary follows historical features (Parish boundary and CYC administrative boundary with Hambleton District Council), natural features (field boundaries, hedge/tree/shrub lines), tracks and a road. Land within the Green Belt is held to serve Green Belt purposes. Having regard to the five purposes of Green Belt land, purposes 3, 4 and to some extent 5 in general terms are relevant to the swathe of land within which the application site sits.

EXTERNAL

Foss Internal Drainage Board

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

North Yorkshire County Council

3.11 No comments to make regarding the proposed development.

North Yorkshire County Council (Integrated Passenger Transport)

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

York Quality Bus Partnership

3.13 Comment as follows:

- Highlights the lack of bus and coach depot facilities in and around York;
- The lack of depot facilities was one of a number of reasons quoted by operators when no responses meeting the Council's financial expectations against the specification tended were received following the competitive tendering process for the Park and Ride network in 2016;
- Location of depot facilities is important as operators generally seek to minimise 'dead running', which in a competitive market place with low margins, can be the difference between a viable service or otherwise;
- Important to minimise unnecessary mileage for environmental reasons;

- Having a geographic spread of bus and coach depot facilities is generally advantageous.

Strensall Parish Council

3.14 The Parish Council raise several objections:

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

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

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

PUBLICITY AND NEIGHBOUR NOTIFICATION

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

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

4.0 APPRAISAL

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

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

BACKGROUND AND PLANNING HISTORY

4.2 Relevant planning history for the site is as follows:

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

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

4.4 Following the division of the original business based at Rufforth Airfield, K&J Logistics, the applicant relocated some of the buses/coaches to the application site. The company now utilises a network of depots providing services in the York area following the purchase of sites in Market Weighton (Ideal Motor Services), Warren Lodge site at the A64 Bilborough Top junction and Hospital Fields Road (Inglebys Luxury Coaches). In the Yorkshire area, the business has sites in Boroughbridge (Dodsworth Coaches), Harrogate (Wrays of Harrogate), Leeds (Godsons Coaches) and Selby (York Pullman). The business provides home-to-school, emergency rail replacement and event services, such as York race meetings, from the various depots. However, planning permission has been refused by Selby District Council (ref. 8/84/38G/PA 10.2.17) for the use of the Warren Lodge at Bilborough Top as a bus depot on the grounds of harm to highway safety due to the lack of adequate visibility at the site entrance. Warren Lodge was used primarily for home-to-school services for Tadcaster School and emergency rail replacement. With regards to the depot at Forest Hill Farm, there are currently 7 no. buses that take children from Sutton-on-the-Forest, Strensall and Stockton-on-the-Forest to Huntington School and one bus taking to St. Wilfred's RC School.

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

4.6 On 7 February 2019, a lawful development certificate (ref.18/02599/CLU) was granted confirming the use of part of Rufforth Airfield for a mixed use as haulage business and the headquarters and operational base of a bus and coach operator, including parking of buses and coaches, vehicle maintenance and administration. The applicant for the CLU application was Rufforth Estates. As part of the CLU submission, a sworn affidavit is provided by Mr James (applicant) confirming his involvement in the Rufforth site and its use as the operational base for York Pullman Bus Company. A copy of the licence for the Rufforth site confirms that 56 York Pullman vehicles are licensed to operate from the site until 31 Aug 2023.

POLICY CONTEXT

Development Plan

4.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York mainly comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. The Neighbourhood Plans are not relevant to this application. The Saved RSS policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Draft Local Plan

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

Emerging Local Plan

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

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

4.10 Relevant policies are set out in section 2, however limited weight can be attributed to the requirements of emerging Plan policies SS2 and GB1. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The Proposals Map accompanying the 2017 plan includes the site within Green Belt land around York.

National Planning Policy Framework

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

PRINCIPLE OF DEVELOPMENT

4.12 The saved RSS York Green Belt policies and key diagram referred to in paragraph 4.7 illustrate the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. These policies state that the detailed inner boundaries and the rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The outer boundary of the Green Belt has not formally been defined or identified in an adopted plan, but it is considered in the RSS to be 'about 6 miles' from the City Centre (taken as being St. Sampson's Square). It is considered that the figure is intended to be an indicative measurement.

4.13 The application site lies at a distance of about 6.5 miles from the City Centre - the access to the site is within the 6.5 miles radius measured from St Sampson's Square and the bulk of the site is on or beyond the 6.5 miles, but less than 6.6 miles. It is noted that the Inspector for the appeal relating to the Brecks Lane site at Strensall, which lies about 6.4 miles from the City Centre, considered that this site was within the general extent of Green Belt. In her decision, she refers to the unchallenged appeal decision at Cowslip Hill, Strensall, which lies at a distance of approximately 6.5 miles from the City Centre. The Secretary of State in refusing planning permission on 18 March 2015 concurred with the Inspector that the site at Brecks Lane be considered as within the outer edge of the Green Belt. It is noted that both of these sites fall within the Green Belt designation on the 2005 Local Plan Proposals Map.

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

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

4.16 The agent for the scheme disagrees with this conclusion and, whilst accepting that sites lying within 6.5 miles could be described as 'about 6 miles' from the city

centre, considers that the site lies outside the radius of 6.5 miles and is nearer to 7 miles than 6 miles. He refers to the lack of consistency with the 2015 decision for the site, the well established lawful nature of the site as an existing agricultural yard and his assessment that the site serves no Green Belt purpose. He considers that a determination contrary to the previous decision when there has been no material change to the development plan would be unlawful. Whilst the applicant refers to a 'major unresolved objection' by the examining Inspectors to the approach setting new arbitrary Green Belt boundary, Forward Planning confirm that the Inspectors have not objected but have requested further evidence to support the approach to Green Belt and as such disagree with the assertion of the applicant that this represents a 'major unresolved objection'. The further information has been provided to the Inspectorate and confirms the Green Belt boundary in this area of the City as shown on the Proposals Map accompanying the emerging Local Plan.

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

GREEN BELT POLICY

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

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

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

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

a single storey office building and creation of hardstanding to park buses and coaches externally.

4.21 The largest building on site, referred to as buildings 1 and 2 on the plans, is that to which the 2009 consent relates and has a lawful use for the storage of buses and coaches. Buildings 4, 5 and 6 have no lawful use for their present use. The re-use of the buildings within Green Belt can be considered to be appropriate in accordance with paragraph 146 of the NPPF providing they are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The buildings have clearly been present for a significant period of time and appear on an aerial photograph of the site dating from 2002. Therefore, whilst no structural survey has been submitted, it is evident that the buildings are of permanent and substantial construction and are suitable for the intended use for vehicle storage.

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

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

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

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

4.26 The applicant has a depot at Warren Lodge at Bilborough Top, adjacent to the A64 west of York. This site has most recently been refused planning permission on the grounds of highway safety, though a previous Inspector did accept a depot for emergency rail replacement transport as a 'local transport infrastructure'. Paragraph 146(c) includes as potentially appropriate development in the Green Belt local transport infrastructure if it can be demonstrated that there is a requirement for a Green Belt location and, as before, openness is preserved and there is not conflict with Green Belt purposes. The applicant claims that the bus depot is also local transport infrastructure as buses sited here also fulfil an emergency rail replacement service. He has been given the opportunity to provide evidence as required by the Inspector for the Warren Lodge appeal application to demonstrate that there is a requirement to provide this depot in a Green Belt location, but has not done so due to his opinion that the site is not within Green Belt. An analysis of alternative sites put forward by the Council was undertaken prior to December 2015, with the seven sites dismissed on the basis that substantial investment has been made at Forest Hill Farm in order to accommodate the services operating from the site and the business could not withstand the cost and disruption of relocating the bus depot to another site. However, the applicant has chosen to make such investments at the site without first having the benefit of planning permission for the level of the operation and was therefore at his own risk.

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

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

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

ACCESS AND HIGHWAY SAFETY

4.30 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site is located approximately 1.7km north-west from Strensall, accessed from the public highway network via a narrow rural lane leading from Strensall to Huby and beyond to Easingwold. The site is not served by public transport and there are no footpaths or street lighting. It is not within easy walking distance of Strensall village and the nearest public transport route. Therefore, a commercial operation at the site is heavily dependent on private travel by its staff.

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

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

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

condition, which would meet the tests required of planning conditions in paragraph 55 of the NPPF.

CHARACTER AND APPEARANCE

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

4.35 The proposal involves landscaping of the site boundaries to minimise or mitigate the impact of parked buses and coaches in views of the site and across the relatively flat open and flat landscape. The Landscape Mitigation Plan submitted in support of the application proposes the retention of the existing Leyland Cypress on the southern and eastern site boundaries, the retention of existing Norway Spruce on the northern site boundary and two new shrub and tree belts, one within the site and one along the western site boundary. The plan provides suitable landscape mitigation and would be an asset to the landscape that would help to screen the buses, but the Leyland Cypress hedges would be an incongruous landscape feature and should be replaced with a mixed nature hedge.

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

RESIDENTIAL AMENITY

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

4.38 The site is relatively remote and is surrounded by agricultural fields. The nearest residential property, Hundred Acre Farm, lies to the west and is separated by a field. The residents of this property have written in to support the proposal. Residential properties on Pottery Lane to the east would be impacted by passing buses, though it is noted that the number is limited and that journeys are limited. Bus activity on site would be mitigated by the boundary landscaping. As such, Public Protection raises no objections to the application subject to a condition linking the occupation of the dwelling onsite to the use of the site to avoid potential conflict and,

as such, no further harm is identified. Further discussion is encouraged by Public Protection about the installation of electric vehicle charging points to meet the Council's Low Emission Strategy (2012), supported by the NPPF.

FLOOD RISK AND DRAINAGE

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

4.40 The site is located within Flood Zone 1 (low probability) and should therefore not suffer from river flooding. The use involves a less vulnerable use that is appropriate in Flood Zone 1. Foul water is to be discharged to a cess pit and surface water to land drainage/ditch with water from vehicle washing filtered through a silt trap. The Internal Drainage Board has requested conditions be imposed to ensure that the site is adequately drained with increased risk of flooding from local watercourses, which are known to be at capacity in high flow conditions.

OTHER CONSIDERATIONS

4.41 Paragraphs 143-144 of the NPPF advise that permission should be refused for inappropriate development, unless other considerations exist that clearly outweigh identified harm to the Green Belt and any other harm, which would amount to very special circumstances. Substantial weight is to be given to the harm to the Green Belt. When attempting to prove very special circumstances, the onus is on the application to prove that the exceptional nature of the proposal clearly outweighs the harm that it would cause to the Green Belt and any other harm.

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

4.43 It is acknowledged that the bus company does deliver a valuable service to the City in terms of its home-to-school service in particular and that the storage of some buses at the site to facilitate the delivery of this service for local children in Strensall to Huntington School is sustainable and appropriate. However, the issue is whether there is a justified need for this remote site to be used for the storage of the

proposed number of buses and coaches, which significantly exceeds the number that serve the local home-to-school need in this area of the City and would harm the openness and purposes of the York Green Belt and impact on the rural character and appearance of the local environment. It is understood that the company utilises other locations in and around the City that are currently used for parking buses and maintenance of buses and which are more sustainable and accessible to deliver other services offered by the company. Some of these sites are within the urban area, such as Hospital Fields Road, or have a lesser impact on the openness of the Green Belt (Rufforth Airfield or Rawcliffe Park and Ride). In addition, it is noted from the submission made as part of the 2018 Certificate of Lawful Use application (18/02599/CLU) that the site at Rufforth is described as the 'formal operational base and exterior parking of York Pullman Buses' and Mr James provided a sworn affidavit of his involvement in the Rufforth site and its use by York Pullman Bus Company. The licence granted for the site until 31 August 2023 for York Pullman Bus Company allows the site to be used as an operating centre for 56 vehicles.

4.44 In terms of the claimed fall-back position, the 2009 consent restricted use of the site to the storage of buses and coaches within the existing barn to which the application related (condition 3) and restricted buses and coaches along with any parts or equipment being placed or stored on any other part of the site than within the barn (condition 4). Therefore, it is not considered that the fall-back position would have the same or greater impact on the openness of the Green Belt than the proposed development. As such, limited weight is given to the claimed fall-back.

4.45 The test in national Green Belt policy is whether these other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any harm to the Green Belt.

5.0 CONCLUSION

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

5.2 It is considered that cumulatively the considerations put forward in favour of the proposed development have only moderate weight. They do not clearly outweigh the totality of harm to Green Belt and the harm to visual amenity. Therefore, the very special circumstances necessary to justify the proposal do not exist and, in

accordance with paragraph 144 of the NPPF, the application should not be approved.

6.0 RECOMMENDATION: Refuse

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

7.0 INFORMATIVES:

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

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

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

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

Contact details:

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16/01061/FUL

Forest Hill Farm Pottery Lane Strensall YO32 5TW



Scale : 1:3033

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | Economy & Place |
| Comments | Site Location Plan |
| Date | 09 April 2019 |
| SLA Number | |

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Area Planning Sub Committee **20 March 2019**

Planning Committee **18 April 2019**

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2018, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

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

Table 1: CYC Planning Appeals Last Quarter Performance

| | 01/10/18 to 31/12/18(Last Quarter) | 01/10/17 to 31/12/17 (Corresponding Quarter) |
|------------------|---|---|
| Allowed | 1 | 4 |
| Part Allowed | 0 | 0 |
| Dismissed | 13 | 6 |
| Total Decided | 14 | 10 |
| % Allowed | 7% | 40% |
| % Part Allowed | - | |

Table 2: CYC Planning Appeals 12 month Performance

| | 01/01/18 to 31/12/18 (Last 12 months) | 01/01/17 to 31/12/17 (Corresponding 12 month period) |
|------------------|--|---|
| Allowed | 14 | 12 |
| Part Allowed | 0 | 1 |
| Dismissed | 54 | 27 |
| Total Decided | 68 | 40 |
| % Allowed | 21% | 30% |
| % Part Allowed | - | 2.5% |

Analysis

- 5 Table 1 shows that between 1 October and 31 December 2018, a total of 14 appeals were determined by the Planning Inspectorate. Of those, 1 was allowed (7%). There were no appeals relating to “major” developments during this reporting period. By comparison, for the same period 2017, out of 10 appeals 4 were allowed (40%). Using the assessment criteria set out in paragraph 2 above, 0.24% of the total decisions made in the quarter were overturned at appeal.
- 6 For the 12 months between 1 January 2018 and 31 December 2018, 21% of appeals decided were allowed, which is below the national figure for 2017/18 of 32% of appeals allowed, and below the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.84% of the total decisions made in the 12 month period were overturned at appeal.
- 8 The summaries of appeals determined between 1 October and 31 December 2018 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was

determined following a decision to refuse permission made by the sub-committee/committee.

Table 3: Appeals Decided 01/10/2018 to 31/12/2018 following Refusal by Committee / Sub-Committee

| Ref No | Site | Proposal | Officer Recom. | Appeal Outcome |
|------------------|---|--|----------------|----------------|
| 17/02263/ FUL | Beechwood Grange Caravan Club Site, Malton road | 26 new caravan pitches and new access road | Refuse | Dismiss |

- 9 The list of current appeals is attached at Annex B. There are 17 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals).
- 10 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with the NPPF and Draft Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine.
 - iii) Scrutiny is afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

- 13 Financial – There are no financial implications directly arising from the report.

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

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason

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

Contact Details

Author:

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Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 05.03.2019

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 October and 31 December 2018

Annex B – Outstanding Appeals at 11 March 2019

Appeal Summaries for Cases Determined 01/10/2018 to 31/12/2018

Application No: 16/02532/FUL
Appeal by: Mr Kevin Mapplebeck
Proposal: Erection 2no. dwellings and detached garage following demolition of existing dwelling
Site: The New House York Road Naburn York YO19 4PP
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for the erection of two detached dwellings in place of a single detached dwelling on a site within Naburn village, on the grounds that the proposed development was inappropriate development in the Green Belt and further harm to openness and purposes due to the higher and denser form of development. In dismissing the appeal, the Inspector agreed that the proposal was for redevelopment of the site rather than infilling, having regard to the definition provided by the Council being 'the filling of a small gap in an otherwise built up frontage', and did not therefore fall within paragraph 145(e) of the NPPF. He further concluded that the proposal did fall within paragraph 145(g) of the NPPF, because the proposed development would have an adverse impact on the openness of the village and the contribution it makes to the openness of the Green Belt despite being located within the main body of the village; the replacement of the existing detached house with two would be cumulatively larger in bulk, mass and developed footprint and would reduce the spacing between buildings and increase density. Other considerations, being the additional of further housing and modern energy efficient and flood resilient homes, were not considered to clearly outweigh the substantial harm that would arise. He considered that the proposal would conflict with Policy GB1 of the 2005 Draft Local Plan and Policy GB1 of the 2018 Publication Draft Local Plan.

Application No: 17/02263/FUL
Appeal by: Miss Awa Sarr
Proposal: Provision of additional 26no. serviced all-weather pitches accessed by new tarmac road and installation of new service point with bin store, water and drainage pump
Site: Beechwood Grange Caravan Club Site Malton RoadHuntingtonYorkYO32 9TH
Decision Level: CMV
Outcome: DISMIS

The site is an all weather recreational caravan park in the Green Belt with pitches for 112 touring caravans. The application would provide 26 extra pitches in an adjacent paddock used for dog walking. Consent was refused due to conflict with green belt policy. The inspector found that the proposed scheme would be inappropriate development, encroach visually upon the countryside and have an unacceptable, negative impact on openness. He did not accept the appellants argument that the accessible location, economic benefits of the scheme, unmet demand and planning approval for other caravan sites in the area amounted to the very special circumstances necessary to justify the development. The application was contrary to the RSS, which seeks to protect the Green Belt. He gave the emerging local plan little weight because it is at an early stage towards adoption and he could not be confident that the policy relied on would be adopted in its current form.

Application No: 17/02277/FUL
Appeal by: Mr S Roberts
Proposal: Erection of replacement dwelling
Site: Bracken Hill North LaneHuntingtonYorkYO32 9SU
Decision Level: DEL
Outcome: DISMIS

The appeal property is a modest detached bungalow with detached garage located in the open countryside fronting onto North Lane. The site is situated in the general extent of the green belt. Proposals to replace the dwelling were refused on the grounds of inappropriate development in the green belt as the replacement building would have been materially larger than the original dwelling thereby causing harm to the openness of the green belt. There were no very special circumstances to outweigh this harm. The Inspector agreed that the new dwelling would be materially larger than the original, that the suburban design and associated hard landscaping and garage would not sit comfortably within the countryside setting and that the resultant building would appear prominent and incongruous in views along North Lane and the surrounding area. In conclusion the Inspector dismissed the appeal due to the harm to the green belt as well as the character and appearance of the area.

Application No: 17/02454/LBC
Appeal by: Mr Paul Beattie
Proposal: Dormer window to rear, installation of 2no. rooflights to front and 1no. rooflight to rear, and second floor window to rear
Site: 10 Spen Lane York YO1 7BS
Decision Level: DEL
Outcome: DISMIS

The proposals included a dormer window to the rear roof plane, the installation of a roof light to the front roof plane, roof lights to the front and rear roof plane located at the apex of the roof and the insertion of a second floor window opening to the rear elevation of the grade II listed building. The end of terrace four storey host dwelling house is attached to grade II listed buildings at nos 33 and 35 St. Saviourgate. The proposals for the roof lights and roof dormer were refused due to the identified harm to the significance of the listed building and its setting. The Inspector noted that the host listed building, dating from around 1770, has a relatively well preserved appearance. The steep pitched tiled roof extending across the building, punctuated by chimney stacks, contributes to the significance of the listed buildings, with the parts of the roof slope closest to the Spen Lane gable appearing plain and unbroken. Previous alterations have been made to the front and rear roof slopes of the adjoining listed buildings. However, the visual effect of these roof alterations is contained to a degree by their situation between chimney stacks and the relatively central position of the existing rear dormer. In this context, the proposed roof lights and dormer would be prominent additions and appear as incongruous insertions, with the rear dormer appearing cramped and awkward between the chimney stack and prominent side gable. The apex location of the roof lights would emphasise their prominence and visually break up the roof adjacent to the ridge on both sides. Considered together, the proposals would contribute to a clutter of roof alterations on the listed building, unbalance its composition at roof level and would erode its significance. The works would fail to preserve the special architectural or historic interest of the listed building and there are no identified public benefits that outweigh this harm. The appeal was dismissed.

Application No: 17/02491/ADV
Appeal by: Bharat Patel
Proposal: Display of 5no. internally illuminated fascia signs, 2no. non-illuminated vinyl signs, 3no. internally illuminated freestanding signs, internally illuminated totem sign, internally illuminated menu board and 2 non illuminated banner signs.
Site: Herbert Todd And Sons Ltd Herbert Todd House Monks Cross Drive Huntington York YO32 9GZ
Decision Level: DEL
Outcome: DISMIS

The proposal was for a totem sign at a drive-through restaurant to the rear of the Monks Cross Retail Park. A totem sign of similar dimensions but in a slightly different location to the plans is in situ. The sign was refused express consent as a result of its scale and the consequent impact on visual amenity. The inspector noted that despite the commercial character of the area, signs are predominantly positioned on buildings and do not form dominant features. The proposed sign would appear larger than the building it serves and would therefore be particularly prominent in the streetscene. The lighting proposed would ensure this effect continued into the hours of darkness. The current buildings and landscaping have created a place with a positive character and appearance and the sign would result in harm to this visual amenity. The appeal was dismissed.

Application No: 17/02869/FUL
Appeal by: Mr And Mrs Blacker
Proposal: Erection of detached two storey dwelling following the demolition of existing dwelling
Site: Haygarth Hull RoadDunningtonYorkYO19 5LR
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for a replacement dwelling in the general extent of Green Belt. The new two storey dwelling was of greater mass and located on open field to the north of the agricultural buildings behind the existing farmhouse. Refusal was twofold - firstly, Green Belt policy grounds from inappropriate development harm to openness that were not outweighed by other considerations, and secondly, harm to character and appearance of the local area due to the proposed position of the dwelling within the site. The Inspector found that the proposal was materially larger in both footprint and volume and therefore fell outside exception 145d of the NPPF and dismissed the appellants claim that the site was previously developed land falling within exception 145g as the proposed site was an open agricultural field. The development was found to be inappropriate by definition. He noted the fundamental aim of Green Belt was to prevent urban sprawl by keeping land permanently open and noted the proposed location in the open field with clear views from Hagg Lane and Common Road and encroachment into undeveloped space. He concluded that there would be harm to the open, rural character and appearance of the area and would conflict with the aims of the Framework in this regard. In the planning balance, the Inspector found that the moderate weight given to the benefits to living conditions from moving the dwelling away from Hull Road and the limited weight to security on the farm, energy efficient and lifetime homes, and the argued fallback position of permitted development rights for the existing farm house, did not clearly outweigh the harm caused by the scheme. Consequently, no very special circumstances existed to justify inappropriate development in the Green Belt and the appeal was dismissed.

Application No: 18/00029/FUL
Appeal by: Mr P Patel
Proposal: Two storey rear extension, single storey side/rear extension and dormer to rear in order to increase size of C4 HMO from 4 bed to 6 bed.
Site: 42 Crossways York YO10 5JQ
Decision Level: DEL
Outcome: DISMIS

The application subject of the appeal was refused because the expansion of the number of HMOs in the locality was already causing problems for residents and the proposals would intensify the adverse impact; the loss of the existing garage and utility room without adequate suitable replacement space and inadequate car parking. The Inspector concluded that there was no evidence of particular problems in respect of noise and disturbance and did not envisage that two additional bedrooms would lead to an unacceptable intensification of the existing HMO use. In terms of storage she noted there were no specific size thresholds for internal storage and that given the generous size of bedrooms and significant communal area at ground floor she did not find against this issue. The Inspector considered that the two tandem parking spaces would render passage of bins or cycles very difficult leading to storage of cycles bins at the front creating a cluttered and unsightly appearance. She noted the bin and cycle storage requirements of 6 unrelated occupants would be greater than those of a single family. The access path at the side was below the Councils minimum standard of 0.9m and would not be convenient to move bins and bikes down. The parking space at the side of the house was substandard and the parking arrangement would be difficult to manage leading to on-street parking.

Application No: 18/00188/FUL
Appeal by: Mr James Maule
Proposal: Two storey and single storey side extension, single storey rear extension and porch to front.
Site: 11 Cayley Close York YO30 5PT
Decision Level: DEL
Outcome: DISMIS

The appeal site is a traditional hipped roof end terraced dwelling with side and rear garden. Planning permission was sought for a two and single storey development with front porch. The development was similar to a previous refused application (ref: 17/00640/FUL). The Council refused the application on the grounds of its width, massing and proximity immediately up against the side boundary of the application site would appear as an unduly prominent and over-dominant addition which would harm the appearance of the street scene and have an overbearing impact on pedestrians using the footpath. The Council also considered that its massing would significantly erode the space to the side of the house and increase the degree of enclosure to the street to a harmful degree and adversely affect the character and appearance of the street scene. The Inspector dismissed the appeal on the grounds that the width of the side extension is significant, not only in relation to the existing dwelling but also because the extension would fill the full width of the side garden and immediately abut the adjacent footpath. The Inspector considered the extension was of an appropriate design, but its position would dominate the appeal property and create a prominent and visually

Application No: 18/00234/FUL
Appeal by: Mr Christopher Ives
Proposal: Three storey and two storey side extension, single storey rear extension and dormer to rear.
Site: Ellerton House Sandy Lane Stockton On The Forest York YO32 9UT
Decision Level: DEL
Outcome: DISMIS

The appeal site is a detached dwelling located within the village but outside of the Conservation Area. Planning permission was sought for the construction of a three and two storey side extension, single storey rear and rear dormer window. The application was refused on the grounds that its design, height, size and scale would represent an incongruous form of development which would not be subservient to, or relate well to the host property and would dominate and unbalance the appearance of the existing dwelling and the street scene. The Inspector dismissed the appeal on the grounds that the proposed tower feature would appear as an anomalous feature in the street and completely out of context both with the host dwelling and surrounding properties. The Inspector concluded on the main issue that the proposal would fail to satisfactorily integrate with the host dwelling and wider character and appearance of the area.

Application No: 18/00354/FUL
Appeal by: Mrs D England
Proposal: Two storey rear extension, single storey side and rear extensions and detached cycle and bin store to rear.
Site: 36 Vanbrugh Drive York YO10 5HE
Decision Level: DEL
Outcome: DISMIS

The application was refused on the grounds that the number of HMOs in the locality was already causing problems for residents and the proposals would intensify the adverse impact; the loss of the existing garage and storage space with no adequate provision for suitable replacement space; inadequate car parking which inhibited external access to the rear of the site. The appeal Inspector concluded that a single additional bedroom would materially increase noise levels or lead to an unacceptable intensification of the existing HMO use. She further concluded that as no specific internal storage standards were brought to her attention the generous size of bedrooms and significant communal area at ground floor were acceptable. However the two tandem parking spaces would render passage of pedestrians with bins or cycles very difficult leading to storage of cycles and bins at the front of the property creating a cluttered and unsightly appearance especially pertinent as the bin cycle storage requirements of 5 unrelated occupants would be greater than those of a single family. She considered that there was sufficient space around parked cars for access to and from the vehicles but tandem spaces and one in the front garden would be difficult to manage likely leading to on-street parking. She noted the restricted carriageway width and parking on the grass.

Application No: 18/00719/FUL
Appeal by: Dr Graham Dykes
Proposal: First floor rear extension.
Site: 4 Farrar Street York YO10 3BZ
Decision Level: DEL
Outcome: DISMIS

The appeal site is an end terrace dwelling. Planning permission was sought for a two storey rear extension in the small courtyard serving the dwelling. An appeal was made against the failure to give notice of a decision within the prescribed period. The LPA determined that the application would have been refused on the grounds that its projection and height would harm the amenity of adjoining residential properties by over-dominance and loss of outlook. The Inspector agreed with the Council and dismissed the development on the grounds that the proposed extension would harm the living conditions of residents of nearby properties due to an overbearing and un neighbourly impact.

Application No: 18/00867/FUL
Appeal by: Mr And Mrs Brown
Proposal: Two storey side extension, single storey side and front extension, formation of new driveway and new entrance to Grange Close, rendering of existing house and replacement windows (revised scheme).
Site: 17 Grange Close Skelton York YO30 1YR
Decision Level: DEL
Outcome: ALLOW

The appeal site is a two storey detached property located on a corner plot. Planning permission was sought for the whole dwelling and extended areas to be covered in an off white render. The application was a resubmission of an approved application to extend at two and single storey height, the approval was subject to revised plans which required the development to be constructed using matching materials, rather than the original proposed render. The application was refused on the grounds that because the house occupies a visually prominent position in the street the off-white render would appear as an incongruous alteration to this property resulting in the dwelling becoming visually dominant causing harm to the character and appearance of the wider street scene. The Inspector disagreed and allowed the appeal considering that the overall design and composition of the already approved development would not represent intrinsically poor design. The Inspector considered that the proposed render treatment of the elevations and windows, together with the cedar clad ground floor addition, would provide greater design interest and would uplift its appearance. The Inspector concluded that the that the works would represent the type of innovation and change that is encouraged by paragraph 127(c) of the NPPF

Application No: 18/01014/FUL
Appeal by: Mr Graeme Kyle
Proposal: First floor side and rear extension.
Site: 66 Grantham Drive York YO26 4TZ
Decision Level: DEL
Outcome: DISMIS

The appeal relates to a two storey semi-detached dwelling which along with the attached dwelling, has a distinctive design with a hipped mansard roof which varies from the majority of more uniform dwellings in the street. It is also set well back from the street frontage compared with the majority of neighbouring properties. Permission was sought for a two storey side and rear extension, however the flat roof design, scale and location were considered to result in a dominant, imposing and non-subservient form of development that would significantly detract from the appearance of the dwelling, unbalancing the pair of semi detached dwellings. In addition the application was also refused due to the significant detrimental impact on the residents of 68 (dominance, overbearing and loss of privacy to the rear garden). The Inspector did not consider the extension to be so dominant as to unbalance the appearance of the two dwellings and that it would still appear subservient in scale. However the Inspector recognised that despite this the extension would be clearly visible particularly when approaching from St Swithins Walk. Given the lack of architectural interest, the extension would be at odds with the character of the dwelling and as such the appeal was dismissed on character and appearance alone. The Inspector did acknowledge that there would be some harm to residential amenity however it was considered that the impact was not significant enough to warrant refusal in this instance. The appeal was dismissed.

Application No: 18/01187/FUL
Appeal by: Mr & Mrs Charlton
Proposal: First storey side extension and conversion of garage into living accommodation (resubmission).
Site: 86 Tedder Road York YO24 3JF
Decision Level: DEL
Outcome: DISMIS

The appeal relates to a detached gable fronted property in a street of varied housing forms, although the host dwelling is located within a small section of dwellings with similar appearance/spacing. Proposals sought permission for an enlarged first floor side extension (permission previously granted for a smaller, hipped first floor extension set 2m back from the front elevation) however the revised scheme was refused due to its scale, mass, design and location which would have resulted in a cramped form of development which would have eroded the spacing between dwellings harming the character and spaciousness of the street. The Inspector gave little weight to the emerging Local Plan as it is in the early stages of adoption and as such determined the appeal in accordance with the relevant sections of the NPPF. Despite this, the Inspector agreed with the LPA's assessment and concluded that the proposal would not add to the overall quality of the area or be sympathetic to the local character. In addition, the Inspector also considered that the proposal would have an adverse impact on the living conditions of those residing in no. 88 by virtue of creating an overbearing and oppressive outlook from the side window adjacent to the extension. The appeal was dismissed.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

| | | | | | | |
|----------------------------------|----------------|------------------------|-----------------|--|--|-----------------------------------|
| Officer: Alison Stockdale | | | | | | Total number of appeals: 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 01/03/2019 | 19/00009/REF | APP/C2741/W/19/3221381 | W | Land Fronting 18 Oak Tree Way Strensall York | Erection of 2no. bungalows (resubmission) | |
| Officer: Brian Williams | | | | | | Total number of appeals: 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 16/01/2019 | 19/00008/TPO | APP/TPO/C2741/7188 | H | 5 Arndale Court 290 Tadcaster Road York YO24 | Fell Silver Birch protected by Tree Preservation Order No. CYC291 | |
| Officer: Carolyn Howarth | | | | | | Total number of appeals: 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 20/04/2017 | 17/00012/REF | APP/C2741/D/17/3172865 | H | 211 Hamilton Drive West York YO24 4PL | Single storey side extension | |
| Officer: David Johnson | | | | | | Total number of appeals: 3 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 18/02/2019 | 19/00005/REF | APP/C2741/D/18/3218409 | H | 72 Dale Street York YO23 1AE | Single storey rear extension, dormer window to rear and 2no. rooflights to front | |
| 23/12/2018 | 18/00077/REF | APP/C2741/D/18/3219366 | H | 99 Heslington Lane York YO10 4HP | Construction of vehicle access from Heslington Lane | |
| 18/10/2018 | 18/00064/REF | APP/C2741/W/18/3212563 | W | 33 Hadrian Avenue York YO10 3RD | Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4) (resubmission) | |
| Officer: Erik Matthews | | | | | | Total number of appeals: 2 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 29/11/2018 | 18/00071/REF | APP/C2741/W/18/3214594 | W | Proposed Self Storage Facility Water Lane York | Erection of self storage facility, with associated access and landscaping | |
| 09/01/2019 | 19/00001/NON | APP/C2741/W/18/3216488 | W | Carpet And Bed Centre Warehouse Acaster Lane | Erection of 1no. dwelling following demolition of existing warehouse | |

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|----------------------------------|----------------|------------------------|-----------------|--|---|----------|
| Officer: Esther Priestley | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 02/05/2018 | 18/00078/TPO | APP/TPO/C2741/6783 | H | 159 Shipton Road Rawcliffe York YO30 5RX | Fell Horse Chestnut tree protected by Tree Preservation Order No.: 173/1991 | |
| Officer: Elizabeth Potter | | | | | Total number of appeals: | 2 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 27/02/2019 | 19/00007/REF | APP/C2741/D/19/3219866 | W | 19 Tisbury Road York YO26 4UJ | Dormer window to rear (retrospective) | |
| 19/04/2018 | 18/00023/REF | APP/C2741/D/18/3200306 | H | 30 Southfield Close Rufforth York YO23 3RE | Variation of condition 2 of permitted application 16/01635/FUL to part render front elevation. | |
| Officer: Heather Fairy | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 07/12/2018 | 18/00076/REF | APP/C2741/D/18/3218085 | H | 56 Shipton Road Clifton York YO30 5RQ | Two storey rear extension with dormer to rear and single storey side and rear extensions. | |
| Officer: Kevin O'Connell | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 17/12/2018 | 18/00073/REF | APP/C2741/W/18/3217093 | W | 11 The Avenue Haxby York YO32 3EH | Erection of 1no. dwelling and double garage | |
| Officer: Paul Edwards | | | | | Total number of appeals: | 2 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 11/02/2019 | 19/00006/REF | APP/C2741/D/18/3218049 | H | 1 Eastward Avenue York YO10 4LZ | Erection of garden shed to front (retrospective). | |
| 17/12/2018 | 18/00074/REF | APP/C2741/W/18/3217829 | W | 64 Newland Park Drive York YO10 3HP | Use as a 7 bedroom house in multiple occupation. | |
| Officer: Sandra Duffill | | | | | Total number of appeals: | 3 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 13/02/2019 | 19/00003/NON | APP/C2741/W/19/3220411 | W | Park Cottage Askham Park Jacksons Walk Askham | Erection of stable block. | |

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|------------|--------------|------------------------|---|--|--|
| 10/01/2019 | 19/00002/REF | APP/C2741/Z/18/3203021 | W | Grange Hotel 1 Clifton York YO30 6AA | Display of 1no. externally illuminated forecourt sign adjacent to front elevation, 1no. internally illuminated menu board attached to front railings and 1no. externally illuminated wall mounted sign to front basement light well. |
| 13/02/2019 | 19/00004/NON | APP/C2741/W/19/3220409 | W | Park Cottage Askham Park Jacksons Walk Askham | Erection of stable block, formation of menage and new access track. |

Officer: Simon Glazier **Total number of appeals: 1**

| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: |
|--------------|--------------|------------------------|----------|--|--|
| 01/10/2018 | 18/00062/REF | APP/C2741/W/18/3208779 | W | Whinney Hills Appleton Road Acaster Malbis York | Creation of new access, excavation of pond and siting of 2no. static caravans (part retrospective) |

Total number of appeals: 19

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