



It would have timber cladding and double entrance doors in its SW elevation. Polished steel signage reading 'St Peter's School Boat Club' would be displayed on the NE elevation facing the access track from Westminster Road. The extension would accommodate a cricket store, toilet facilities for males, females, visitors and staff (which is also wheelchair accessible) and a training room. The existing building would remain as boat storage and maintenance.

1.4 The extension to the concrete steps would increase their length by approximately 35m at the top of the embankment and approximately 13m at the bottom, to a total length of around 49m. Two existing river bank trees would need to be removed and the land level of an area of grass between the riverside footpath and playing fields reduced and replaced with gravel.

1.5 In addition to the forms and plans, the application is supported by a Planning Statement, document outlining the justification for the development, Design and Access Statement, Arboricultural Report, Flood Risk Assessment and Drainage Appraisal and Archaeological Desk-Based Assessment. The proposal has been subject to a pre-application public consultation exercise by the school with the houses backing onto the site on Government House Road and Westminster Road.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

- York Green Belt

2.2 Policies:

2005 Draft York Local Plan (4<sup>th</sup> set of changes) – relevant policies include:

- CYSP2 - The York Green Belt
- CYSP3 - Safeguarding the Historic Character and Setting of York
- CYSP6 - Location strategy
- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4A - Sustainability
- CGP15A - Development and Flood Risk
- CYNE1 - Trees, woodlands, hedgerows
- CYNE2 - Rivers and Stream Corridors, Ponds and Wetland Habitats
- CYNE4A - International and National Nature Conservation Sites
- CYNE5A - Local Nature Conservation Sites
- CYNE5B - Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites
- CYNE6 - Species protected by law

- CYNE7 - Habitat protection and creation
- CYNE8 - Green corridors
- CYHE2 - Development in historic locations
- CYHE10 - Archaeology
- CYGB1 - Development within the Green Belt
- CYGB13 - Sports facilities outside settlements
- CYED11 - Protection of Playing Fields

Draft York Local Plan (2014) Publication Draft – Allocates the site as open space within a green wedge that contributes to the historic character and setting of York. Relevant policies include:

- DP2 – Sustainable Development
- SS2 – The Role of York’s Green Belt
- CF2 – Built Sports Facilities
- ED8 – Community Access to Sports and Cultural Facilities on Education Sites
- D2 – Placemaking
- D3 – Extensions and Alterations to Existing Buildings
- D1 – Landscape and setting
- D5 – Listed Buildings
- D7 – Archaeology
- G13 – Biodiversity and Access to Nature
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- CC2 – Sustainable Development and Construction
- EN4 – Flood risk
- T1 – Sustainable Access

### **3.0 CONSULTATIONS**

3.1 The application was publicised by means of a site notice and notification to statutory consultees and third parties. The consultation period expired on 3.8.2016. The following comments have been received:

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (Archaeology)

3.2 Although this site is outside the Area of Archaeological Importance, it is in an area which has the potential to contain archaeological deposits. The surrounding area has been shown to contain Roman burials, many of which were discovered during the late 19th century. The site also lies close to the line of one of the two Roman roads approaching the fortress from the north-west. During the medieval

period the site was undeveloped and a number of archaeological investigations in the area have encountered substantial thicknesses of garden soils. Therefore, the site is regarded as an Area of Archaeological Interest.

3.3 A desk-based assessment has been completed in relation to this project by On-Site Archaeology. It is possible that groundworks associated with this proposal may reveal or disturb archaeological features particularly relating to the Roman period. It will be necessary to carry out a strip, map and record excavation on the site of the new boathouse to formation level. An archaeological watching brief should be maintained to record features or deposits which may be revealed during groundworks for the extension of the upper building. Requests conditions ARCH1 and ARCH2.

#### PLANNING AND ENVIRONMENTAL MANAGEMENT (Countryside and Ecology)

3.4 The site is located within a Local Green Infrastructure Corridor. The emerging Local Plan supporting document 'Green Corridors' January 2011 locates the site within 'Regional Green Corridor No.1 - The River Ouse'. Green Corridors are not fixed boundaries but are a consensus of where green infrastructure assets occur. This is a significant multifunctional corridor for not only wildlife but recreation as well. Priorities for wildlife enhancement include: wet and flood meadow grasslands, riverine habitats (Fens and marshes), wet woodland, ponds, tansy beetle, bats and otter.

3.5 Clifton Ings and Rawcliffe Meadows Site of Special Scientific Interest (SSSI) is located approx. 530m north of the site. The proposals have potential to impact on this site through changes in the functional floodplain and through pollution during construction.

3.6 The River Ouse itself is designated as a candidate Site of Importance for Nature Conservation (SINC). Whilst they have no direct legal protection, SINCs are considered important enough to receive protection through the planning system.

3.7 An Extended Phase 1 Habitat Survey and Bat Survey has been undertaken to support the application, although this only covers the lower boathouse and extension to the steps.

3.8 The officer notes that the construction and condition of the upper boathouse means that it is unlikely to provide suitable habitat for roosting bats. The gravel path will come close to a horse chestnut tree, which has the potential for roosting bats but has not been assessed. It will need to be assessed if removed or lost through root damage over time.

3.9 The bat survey covers the lower boat house and mature ash tree (T1), and identified that both have a medium potential to support roosting bats. Bats were not recorded leaving the building or tree in the single emergence survey. The ash tree could be lost through damage to its roots from adjacent works. Veteran trees have ecological value for invertebrates and fungi. Options to retain this tree should be explored. There are opportunities to provide features which are suitable for roosting bats within the design of the new boathouse and can be secured through condition.

3.10 Himalayan balsam is present within the vicinity of the lower boathouse and along the riverbank. If approved, a planning condition should be added.

3.11 No evidence of otters or water voles was found in this location. The steps extension will result in the loss of approx. 32m of river bank which is currently well vegetated with semi-improved grassland and a significant amount of tansy plants with a population of tansy beetle. The Phase 1 Habitat Survey makes generic recommendation for habitat management for tansy and tansy beetle, but a detailed mitigation scheme is required and given the riverbank is not in the applicant's control details need to be provided that the mitigation is deliverable. Staggering the steps would be an alternative to overcoming the barrier for tansy beetle dispersal from the proposed increased area of concrete. Careful consideration needs to be given to the replacement riverbank trees to ensure no impact on tansy beetle habitat (short term digging up of plants and long terms shading). [Planning Officer comment: since this response a revised ecology report has been submitted in respect of Tansy Beetle and habitat mitigation to satisfy the Council's Ecologist and so a condition can be imposed to secure mitigation].

3.12 A Construction Environmental Management Plan would be required to ensure there are no adverse impacts on river or habitats down stream during construction.

## PLANNING AND ENVIRONMENTAL MANAGEMENT (Landscape)

3.13 The site is located within the green wedge associated with the regionally important green infrastructure River Ouse corridor. Existing arrangement of the boat house and trees explained, including impact to riverside trees from prolonged periods of flooding and presence of a veteranised Ash (T1). Although proposed to be retained, the proposed scheme could cause significant damage to the tree roots due to the introduction of hard surfacing and the desire to reduce the levels so as to meet the level of the footpath. Advises investigations be carried out by the applicant's arboriculture consultant.

3.14 The proposal to extend the steps would result in the removal of two trees, a significant length of green bank (including tansy plants) as well as trees and would cause a degree of harm to the amenity of the riverside walk. Considers that it would be more appropriate to accommodate the length of two 'eights' by doubling the length of the full flight of steps and thereafter reduce the flight of steps to the

practicable minimum number of lowest steps only in order to retain the majority of the green bank and trees.

3.15 The proposed extension of the upper boat house would not impact on existing trees. However, there is a need to top up/add gravel to the existing route that is used for infrequent vehicle access. To the south of the boathouse, it is currently grassed, and marked by slight rutting and compaction. It should be possible to install such surfacing without harm to the existing trees. A method statement under condition would be required. The Arboricultural method statement should also include items such as the location of the site compound, and location and design of tree protection fencing, and limits of areas for construction operations including working areas, parking, manoeuvring and storage.

3.16 The proposed replacement trees along the top of the river bank to the north and south of the steps would appear to be suitable locations, but need to be agreed with the Council's arboriculturist. Assumes that existing utility runs will provide the necessary services for the proposed boathouse and that there will be no additional trenching of services through the rooting zones of any of the trees to be retained.

3.17 The riverside elevation of the proposed boathouse would be set further back from the river, which would reduce the imposition of the building on the river side walkway by freeing up the space immediately adjacent to the footpath. This, however, does have a knock on effect on the openness of the sports grounds, which can be viewed from the flood bank; there are also views across the grounds over/through the hedge in winter months, including views of Clifton Holme, which would be slightly obscured.

3.18 Suggests that naturally weathered timber cladding and a living roof would be far more appropriate in appearance and character, and thence potentially acceptable, than profiled metal sheet cladding; the latter being more incongruous in the landscape and more 'industrial' in character despite being green in colour.

3.19 Requests conditions should the application be approved.

#### FLOOD RISK MANAGEMENT TEAM

3.20 No comments received.

#### PUBLIC HEALTH (HEALTH IMPROVEMENT)

3.21 Public Health is supportive of this project and particularly welcomes the secure access to the lower boathouse, the provision of the only purpose built indoor training facility in the City and the provision of secure cricket storage. The City's built sports facilities strategy sets out the need to cater for the increased demand for rowing facilities and to provide modern practical facilities as detailed in Action 7 of the

action plan, 'Develop accessible, fit for purpose facilities for rowing in the city'. It is hoped that the facilities will in the future benefit the local community, visiting clubs and cricket development in the City and welcome the opportunity to discuss community access with the applicant.

## EXTERNAL

### ENVIRONMENT AGENCY

3.22 Initially the Agency issued an objection to the proposal on the basis that it would create an unacceptable increase in flood risk, given the location of the site in Flood Zone 3b and the obstruction to flows could be the proposed lower boathouse. This objection was removed following the submission of further information by the applicants. Request conditions to ensure that the development is built in accordance with information provided and to require flood risk and resilience measures.

### SPORT ENGLAND

3.23 It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

3.24 Having assessed the proposal and consulted with the England Cricket Board (who raise no comments), Sport England is satisfied that the proposed development meets the following policy exception: E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use. This being the case, Sport England does not wish to raise an objection to this application.

### NATURAL ENGLAND

3.25 No comments to make.

### CANAL AND RIVER TRUST

3.26 The Trust is the Navigation Authority for the River Ouse and notes that the proposed scheme is to facilitate improved access and enjoyment of the waterway by the staff and students at the school. Note that the application has confirmed in writing that there will not be an increase in the number of craft using the river at any one time should the scheme be approved by the Council, though the applicant also

states that there may be an increase in the frequency of rowing sessions on the river.

3.27 The Trust has no objections to the proposed scheme but would advise the applicant to contact the Harbour Master to discuss planned frequency of usage to ensure that safe navigation of the waterway is maintained. The applicant must ensure that during the construction stage, current environmental best practice is adhered to in order that the river is protected from construction work and materials. Requests an informative.

## CLIFTON PLANNING PANEL

3.28 No objection.

## THIRD PARTY COMMENTS

3.29 One response has been received from a resident of Manor Lane objecting to the following aspects of the proposals:

- The new timber gates that would open outwards towards the path and even encroach across the path, which is dangerous and unacceptable along riverside path and National Cycle Route NCN65;
- The extension of the concrete steps along the river bank would result in unnecessary loss of amenity to other users of the path and have detrimental effect on natural environment and ecology.
- Widening of steps is not necessary as it will not remove the main cause of the bottleneck caused by boats being handled across the pathway and conflicting with other users of the path.
- Loss of veteran tree in order to provide unnecessary wider steps.
- School rowing activities are used for only 6 months per year - by comparison, the loss of amenity and environmental effects will be permanent and 12 months per year for other users of the riverside and path.

## 4.0 APPRAISAL

4.1 The key issues material to the consideration of the application are:

- Principle of development;
- Green Belt policy;
- Openness and purposes of the Green Belt;
- Character and appearance;
- Flood Risk;
- Heritage assets;
- Nature Conservation;
- Residential amenity;



- Other considerations.

## POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than 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. These 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.

4.3 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and locations at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design, protecting Green Belt, taking full account of flood risk, conserving and enhancing the natural environment, conserving heritage assets and supporting local strategies to improve health, social and cultural well-being.

4.4 Section 7 of the NPPF requires good design. At paragraph 56, it says 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.

4.5 Chapter 8 'Promoting healthy communities', highlights the importance of the planning system in creating health communities, along with the aim to provide safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life. Access to high quality open spaces and opportunities for sport and recreation are considered to make an important contribution to health and well-being (paragraph 73). Paragraph 74 advises against existing open space and sports buildings and land being built on unless an assessment has been undertaken showing that they are surplus to requirements, the loss would be replaced by equivalent or better provision, or the development is for alternative sports and recreational provision.

4.6 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check 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. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.7 Section 10 'Meeting the challenge of climate change, flooding and coastal change' offers advice on locating new development to avoid increased flood risk.

4.8 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.9 Section 12 'Conserving and enhancing the historic environment' gives advice on handling applications with heritage implications, including heritage assets with archaeological interest.

4.10 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above.

4.11 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF), although the evidence base underpinning the work to the emerging plan is capable of being a material planning consideration in the determination of the planning application.

## SITE AND PLANNING HISTORY

4.12 The application site is 0.93 ha in total and includes part of the playing fields serving St Peter's School and a section of the River Ouse embankment. It is linear

in form and stretches from the River Ouse in a north easterly direction to the access track and houses fronting onto Westminster Road. There is a public footpath along the river bank and running SW-NE along the SE boundary of the playing fields. There is an existing boat house adjacent to the boundary with the river (measuring 21.2m overall length x 14m wide x 5.2m max. high) and an upper secondary boat house further north, nearer to Westminster Road (measuring approx. 31m long x 5.6m wide x 4.3m max. high). There are existing concrete steps down the riverside embankment adjacent to the existing lower boat house that are staggered in length, ranging from 14.5m to 17.5m from the first 7 steps with the bottom two steps extending to 37m.

4.13 The site lies outside, though in close proximity to, the City Centre Area of Archaeological Importance and outside the Clifton Conservation Area, which is further north on the opposite side of Westminster Road. Clifton Holme, a detached dwelling to the NW of the site, is grade 2 listed and many of the older school buildings are listed. The site lies within Flood Zone 3b (Functional Floodplain). The River Ouse is a site of Importance for Nature Conservation.

4.14 The planning history relates primarily to alterations to St Peters School buildings or the land immediately around them. Two pre-application enquiries are relevant. A pre-application enquiry was made in 2013 for the extension to the steps (13/03473/PREAPP). A subsequent pre-application enquiry (ref. 15/02363/PREAPP) was submitted to the Authority for a replacement boathouse and extension to the riverside steps, though it involved just one building that was proposed to be located alongside the field boundary with the riverside path.

## PRINCIPLE OF DEVELOPMENT

4.15 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS 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 2005 Draft Local Plan proposals map identifies the site for housing development, but the Secretary of State in considering the outline application proposal concluded that the land was part of the Green Belt. The Secretary of State considered that the site fell outside the categories of development that are considered in policy to be appropriate in the Green Belt and attributed substantial weight to the definitional harm.

4.16 It is considered that the site falls within the general extent of the Green Belt. In accordance with footnote 9 of paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in

Green Belt locations. Instead, the more restrictive policies in section 9 of the NPPF apply.

## GREEN BELT POLICY

4.17 Paragraph 79 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. Whilst there is no definition of openness in the NPPF, it is usually taken to mean 'the absence of built development'. Paragraph 80 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.

4.18 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt unless they fall within one of the six listed exceptions. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says 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. Most development within the Green Belt is considered inappropriate. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt.

4.19 The proposal relates to the provision of boat houses on land adjacent to the River Ouse and for use by St Peter's School in connection with rowing activities. It would, therefore, fall within the second exception of paragraph 89, which allows the construction of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As a replacement building in the same use, the proposal could also be assessed under the fourth exception of paragraph 89 and would be appropriate provided that it is not materially larger than the one it replaces. The third exception of paragraph 89 allows for the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. The extension to the access steps are an engineering operation, which would not be inappropriate in Green Belt, according to paragraph 90 of the NPPF, providing openness of the Green Belt is preserved and there is no conflict with Green Belt purposes.

4.20 The replacement lower boat house is substantially bigger than the existing building, double its size, notably its length. It is, therefore, materially larger and would reduce the openness of the Green Belt. The upper boat house extension would increase the floor area of the existing building by 100% and would, therefore, result in a disproportionate addition that would reduce openness. The extension to the steps would convert grassed river bank to hard surfacing, but would continue to preserve the openness of the river environment. However, overall, the proposal would not preserve the openness of the Green Belt.

4.21 The primary function of Green Belt land in York is, according to Policy SP2 of 2005 Draft Local Plan, to safeguard the setting and historic character of the City. Whilst the proposed buildings and works would be visible in views of the site, the special character and setting of the historic city would not be eroded and, in particular, views of the Minster would not be hindered. Furthermore, the proposal would not conflict with the four remaining purposes of Green Belt, listed in paragraph 4.17 above, namely, to check unrestricted sprawl, to prevent towns merging, to safeguard countryside, to assist in urban regeneration. Therefore, the proposal would not conflict with the purposes of the Green Belt set out in paragraph 80.

4.22 However, due to the adverse impact on openness, the proposal would constitute inappropriate development that is, by definition, harmful for the purposes of Green Belt policy. In accordance with paragraph 88 of the NPPF, such harm is attributed substantial weight. For inappropriate development to be acceptable, very special circumstances must exist. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

## IMPACT ON GREEN BELT OPENNESS AND PURPOSE

4.23 In addition to the harm by reason of inappropriateness, consideration also needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

4.24 The proposed development would increase the amount of built development within an area of open land that has limited built form on it. The proposed lower boat house would be located in the middle of the playing fields, away from site boundaries, and would dissect the open space. It would be located on a raised section of land – the rugby pitches to the south east being on lower land. As a result of the above, the proposal would be visually more prominent in views into and within the playing fields. The upper boat house extension would double the size of the existing building, but would have a lesser impact on openness as it would be read in the context of the existing building and is in a less prominent location within the playing fields, adjacent to a collection of mature trees. The extension to the steps

would hard surface an area of greenery with the loss of some trees, but in the context of the riverside embankment would have a limited impact on the open character of the Green Belt.

4.25 As noted above in paragraph 4.21, the proposal would not conflict with the functions of the Green Belt and the purposes of including the land within it. There would be no erosion of the setting and historic character of the City. Indeed, the set back of the lower boat house building from the site boundary would benefit views along the public footpath and consequently would be an improvement to the enjoyment of the river environment.

4.26 As such, it is officers' opinion that the proposal would result in additional harm to the openness of the Green Belt, but that it does not conflict with the purposes of including land within the Green Belt listed in paragraph 80. This additional identified harm is also attributed substantial weight.

## CHARACTER AND APPEARANCE

4.27 Chapter 7 of the NPPF gives advice on design, placing great importance to that design of the built environment. At paragraph 58 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, establish a strong sense of place, incorporate green and other public space as part of them, respond to local character whilst not stifling innovation, create safe and accessible environments and include appropriate landscaping. Paragraph 64 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.

4.28 The advice in chapter 7 is replicated in Draft Local Plan policies GP1 (Design) and GP9 (Landscaping) and these policies, therefore, accord with the NPPF. In particular, Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials. Policy GP4a requires development to incorporate sustainable construction methods as well as be sustainable and accessible in its location.

4.29 The lower boat house would be larger in size, re-sited away from the site boundary and would run across the width of the playing fields, thereby dissecting their length and interrupting views across the open space both from within and from outside looking into the site. There are elevated public views of the site from the raised flood embankment to the SE of the playing fields, public views from the riverside path, mainly when approaching from a SE direction heading out of the City Centre and where the site boundary opens up due to the site access to the playing fields and boat house as well as private views by users of the playing fields or

neighbouring occupants who back onto the site. The planning system is concerned with impact to public views.

4.30 The size and location of the proposed lower boat house would impact on the open character of the space occupied by the playing fields and on views into the site from publicly accessible routes and vantage points. However, the building would also be viewed in the context of the playing fields and would improve views and openness along the riverside path by removing the built form of the existing boat house, which is in poor condition and visually prominent due to its position immediately adjacent to the site boundary. This is providing the proposed gate and fencing is designed to be open in nature, which can be controlled through condition. This gate, contrary to the submitted site layout plan should not open over the public footpath and, therefore, the condition should also address its position and/or method of opening.

4.31 The upper boat house extension would be read against the built form of the existing building and the back drop of the mature trees adjacent to it.

4.32 The buildings have a simple design with brick gable ends and metal cladding for the walls and roofs, which are dual pitched. The submitted Design and Access Statement refers to the 'simple, elevational treatment...paired with careful detailing at door and window openings and at junctions between different materials'. It explains that 'a simple co-ordinated palette of materials and colours' has been selected in order to 'create a rural and agricultural aesthetic suitable for the setting'.

4.33 However, the Council's Landscape Architect has expressed concerns about the materials of construction, especially for the large replacement boat house. This is in terms of the use of metal cladding rather than a timber boarding as the existing boat house as well as the use of a dark green colour finish. The Landscape Architect suggests that naturally weathered timber cladding and a living roof would be more appropriate in appearance and character rather than the more metal cladding which is more incongruous in the landscape and 'industrial' in character. At the very least she considers that the roof should be timber and that a mid-grey colour finish be used rather than dark green. This has been discussed with the agent. In response the agent explains that the reason metal cladding has been chosen over timber is due, firstly, to arson attempts at the lower boat house and the vulnerable nature of timber to fires and, secondly, the longevity of metal cladding over timber to regular submersion by flood waters. Whilst timber cladding would provide a softer appearance that is more in-keeping with the nature and character of the building and environment, the reasons put forward by the agent are accepted as justification for the use of metal cladding. It is recommended, however, that a condition be attached to control the type and colour finish of the metal cladding used.

4.34 The proposed increased length of the steps would reduce the extent of the green riverbank and require the removal of some of the trees planted in the bank. The increased hard surfacing of the green bank would have a visual impact, but the presence of steps adjacent to the river is not an incongruous feature and would continue to cover a limited section of a much longer green river bank. The proposals include the replacement of removed trees and tansy plants either within the bank or on St. Peter's School land.

4.35 In summary, the proposal would result in a significant change to the visual appearance of the immediate area, though would not be contrary to the wider character and appearance as a sports field and river bank, subject to condition.

## FLOOD RISK

4.36 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere (paragraph 100). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, and following the sequential test, it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant (paragraph 103).

4.37 The site lies in Flood Zone 3, with the area proposed for the lower boat house and steps lying in Flood Zone 3(b), functional floodplain. In the Framework and its associated Technical Guidance, sites in Flood Zone 3 are classed as areas at risk of flooding, with Flood Zone 3b being functional floodplain, where water has to flow or be stored in times of flood. The proposed development, as outdoor sports and recreation facilities, is classified as water-compatible development, which is appropriate in zone 3b provided it has been designed to meet the following requirements and has passed the Sequential Test (in accordance with Planning Policy Guidance, the Exception Test does not need to be applied):

- remain operational and safe for users in time of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

4.38 The application submission explains that the existing lower boat house is currently highly vulnerable to flooding and is regularly inundated resulting in damage to boats, which are unable to be removed due to the access arrangements with one set of doors on the riverside elevation of the building. The proposed boat house is



located further away from the river, constructed on raised foundations with a void underneath and is designed with floor grillages to allow flood water to enter and exit.

4.39 A statement addressing the Sequential Test requirements has been submitted at the request of officers. This refers to the needs of the school to replace an existing facility with another that is water compatible, the requirement of the use to be close to the river and the existing launch steps, the need to be within the school grounds to allow safe and close access for pupils as well as security for the contents, and the lack of alternative locations given inclusion of the playing fields within flood zone 3 and the land adjacent to the river frontage within Flood Zone 3b. Having considered the evidence put forward by the agent and considering the pragmatic approach advised in Planning Policy Guidance accompanying the NPPF, officers are of the opinion that the proposal passes the Sequential Test.

4.40 The Environment Agency initially objected to the proposal on the basis that the proposed lower boat house appeared to result in the loss of flood storage area and cause an obstruction to flows across the functional floodplain. Following further explanation and revisions to the design of the ramps accessing the building to allow voids beneath them, the Agency has lifted its objection subject to the imposition of conditions.

4.41 In light of the lack of any other more suitable location, the nature of the proposal and its use, plus the flood resilience measures built into the design of the scheme, it is considered that the proposal is acceptable in flood risk terms and would not increase flood risk elsewhere. Therefore, subject to condition, the proposal would not result in any additional harm.

## HERITAGE ASSETS

4.42 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.43 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset, such as heritage assets with archaeological interest, to be taken into account in determining an application. Draft Local Plan policies HE2 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.44 The site lies outside the City Centre Area of Archaeological Importance, the Clifton Conservation Area (though parts of St Peter's School fall within it) and does not contain any Listed Buildings or Ancient Scheduled Monuments. However, the area has the potential to contain archaeological deposits including Roman Burials and Medieval features, and is therefore considered to be an Area of Archaeological Interest. A desk-based assessment has been submitted with the application, which does identify that the groundworks may reveal or disturb archaeological features and, therefore, the City Archaeologist has requested conditions be placed on any approval to mitigate potential harm.

4.45 Whilst there are no listed buildings within the site, St. Peters School itself contains various listed buildings and there is a detached dwelling to the NW of the site, Clifton Holme, that is grade 2 listed. The listed school buildings are at a sufficient distance (over 250m) and with other buildings/structures in between, for the setting of these buildings not to be harmed by the proposal. Clifton Holme, lies adjacent to the northern boundary of the sports pitches, and has a close association with the school with no discernible site boundary separating the grounds of Clifton Holme with the school playing fields. It is visible in distant views across the playing fields from publicly accessible vantage points, in particular the riverside footpath. However, the views of the building are restricted in part by the existing boathouses. The proposed extension of the upper boathouse would have a negligible impact. The proposed lower boathouse would continue to restrict views of the listed building, though these may vary due to the re-siting of the replacement building. As such,

and considering the overall impact, the proposal would not harm the setting of this Grade II listed building.

4.46 There would be no impact on the character and appearance of the Clifton Conservation Area, given the distance of the proposed works from the area's boundary and the presence of development in between.

4.47 In light of the above, the proposal would preserve the setting of the adjacent listed buildings as required by section 66(1) of the 1990 Act. The character and appearance of the Clifton Conservation Area would be preserved as required by section 72(1) of the Act. Any harm to archaeological deposits and features can be adequately addressed and mitigated through the imposition of conditions. The proposal, therefore, complies with national and local planning policies in respect of the historic environment. No additional harm is identified.

## OPEN SPACE AND RECREATION

4.48 Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

4.49 The proposal would enhance sporting facilities at the school associated with not only rowing activities, but also indoor training and cricket storage. Whilst located within the school playing fields, the proposed development would not affect the quantity or quality or use of the existing cricket and rugby pitches. As such, Sport England does not object and the Council's Health Improvement Manager is supportive of the proposal as it meets Action 7(f) of the City's Built Sports Facilities Strategy by developing rowing facilities in the City.

## NATURE CONSERVATION

4.50 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

4.51 The site lies within the regionally important Local Green Infrastructure Corridor, Regional Green Corridor No.1 - The River Ouse, which is a significant multifunctional corridor. There are various Sites of Scientific Interest (SSSI) along

the river corridor, including Clifton Ings and Rawcliffe Meadows SSSI located approximately 530m to the north and Fulford Ings SSSI located approximately 3.9km south. The River Ouse itself is designated as a candidate Site for Importance for Nature Conservation (SINC).

4.52 The potential impact on the SSSIs caused by the loss of flood storage capacity and obstruction to flows across the functional floodplain as a result of the size, siting and design of the proposed lower boat house has been addressed by revisions to the building.

4.53 An Extended Phase 1 Habitat Survey and Bat Survey was undertaken and submitted with the application, which covered the lower boat house and steps extension only. No bat roosts were identified and the immediate embankments relating to the application site were found to be unsuitable to support otter or water vole burrows. The extension to the steps would result in the loss of river bank that is well vegetated with semi-improved grassland and a significant amount of Tansy plants supporting a population of Tansy Beetle (a protected species under the Wildlife and Countryside Act 1981). Himalayan Balsam is present within the application site and would need to be contained and removed to allow the development to proceed as its intentional spread is an offence under the Wildlife and Countryside Act 1981.

4.54 Concerns have been raised by the Council's Landscape Architect and Countryside Officer about the impact of the proposals on trees, particularly the veteran Ash within the site though adjacent to the riverside footpath, and the lack of detailed mitigation for the Tansy plants and Tansy Beetles. Amendments have also been made to the scheme or further survey work undertaken to address nature conservation concerns, including:

- The gravel path to the west of the upper boat house being set further away from the adjacent horse chestnut tree, which has the potential for roosting bats, as well clarification about what the works involve;
- Detailed mitigation being provided for the Tansy plants that would be lost as a result extension to the steps and involve re-planting within the remaining river bank and St. Peter's School grounds;
- Advice from an appointed Arboriculturalist to construct the steps so as to minimise excavations within the root area of the veteran Ash (T1 – identified as a category B tree) and to allow gaseous exchange between the soil and air;
- Advice from the Arboriculturalist to reduce the extent that the land in the area adjacent to the riverside path is lowered in order to avoid harm to the roots of a veteran Ash.

4.55 The Council's Countryside Officer has confirmed that the proposed mitigation for the tansy beetle is appropriate. The Landscape Architect requests conditions to cover the reduction in amount of land removed to allow the gravelled area to be

created and the construction of the steps. Further conditions are requested to include a Construction Environmental Management Plan to ensure there are no adverse impacts on the river or habitats down stream during construction, a tree protection method statement, replacement tree planting and condition covering Tansy Beetle and Ash tree mitigation. Subject to conditions, no further harm is identified.

## RESIDENTIAL AMENITY

4.56 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution. Policy GP1(i) of the Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

4.57 There are residential properties adjacent to the site. Occupants would be aware of the proposed buildings, which would be visible from their properties. However, the proposed structures would be unlikely to have any adverse effect on the amenity that the adjacent residents can reasonably expect to enjoy given the separation distances nor is there likely to be any undue noise or light pollution as a result of the development. The planning system does not seek to protect private views. No harm is, therefore, identified to residential amenity.

## OTHER CONSIDERATIONS

4.58 The proposal would constitute inappropriate development that would, by definition, be harmful to the Green Belt by reason of inappropriateness. There would also be additional harm caused to openness from the size and location of the proposed lower boat house. No other harm has been identified subject to the imposition of conditions should Members be minded to approve the application. Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development, unless other considerations exist that amount to 'very special circumstances' and that would be sufficient to clearly outweigh identified harm to the Green Belt by reason of inappropriateness and any other harm.

4.59 The planning statement submitted with the application states that 'the potential harm to the Green Belt would amount to very limited and localised reduction in present openness', with 'little or no harm' being caused to openness. However, it does set out the following 'very special circumstances':

- Sports provision;
- Flood resilience;
- Location;
- Safety and security.

## Sports Provision

4.60 The proposal would improve the school's sport facilities, primarily rowing but also storage for cricket equipment and indoor fitness and toilet facilities, which are currently not met by the existing boat house and provide additional storage for boats to accommodate more boats and safety launches as a result of an upsurge of interest and participation in rowing. The fitness facilities could continue to be used when the rowing is not possible due to high river levels. A supplementary document by the school's Head of Rowing provides further justification for the development, in terms of the issues faced by the inadequacy of the existing facilities and the need for the size of the proposal. These include: the number of boats and lack of adequate racking due to changes in boat design since the existing boat house was built; the range of rowing boats required to cater for different ages and gender of pupils; the lack of insurance for the boats due to previous claims for loss and damage by flooding of the boat house; lack of adequate changing, showering and toileting facilities; and, logistics and safety of pupils accessing boats within the boat house and the river bank due to the limited launch steps. There would be no loss of playing fields in terms of the number and use of pitches. The planning statement makes reference to national and local planning policy that emphasise the importance of providing adequate recreational facilities and the expansion of existing facilities. In particular, it draws attention to the 2014 Built Sports Facilities Strategy, produced by Active York, which highlights the limited capacity and out-dated facilities at the City's rowing clubs. The Strategy refers to the planned expansion of rowing facilities at the school.

## Flood Resilience

4.61 The proposal would improve flood resilience due to the relocation and design of the lower boat house. The relocation further back from the river and a finished floor level 600mm higher than the existing boathouse would reduce the frequency of inundations of flood water, whilst the design of the building would allow it still to flood in order to avoid any adverse impact on the functional floodplain. The increased flood resilience and specific design of the lower boat house, with entry doors at either end, would reduce the loss of and damage to rowing boats.

## Location

4.62 The proposal, by its very nature, needs to be within close reach of the River Ouse in order that boats can be easily transported and close to the school to allow ready access by pupils both in safety terms and due to timing restrictions in the

school day. Any location of the buildings within the playing fields would impact on openness and the open character and appearance as the whole of the area is included in the Green Belt. In addition, alternative locations within the school site would be likely to impact on existing sports pitches, the setting of the listed St Peter's School buildings and Clifton Holme or the amenity of adjoining residents as well as potentially being further away from the river. The site is constrained by other development, including housing immediately to the north, the school buildings and flood embankment (within Green Belt) to the east, beyond which is further housing and the City Centre, and the river itself to the south. Sites on the opposite bank of the river or further north along the river would also be within Green Belt and would not be easily accessible by the school or on land within the school's control.

## Safety and Security

4.63 The limited size of the existing boat house means that there is insufficient space to store the required number of safety launch boats and provide shower facilities for rowers that fall into the river. The location of the existing boat house means that it has been a target for petty crime and vandalism – the graffiti on the front of the building does little to add to the quality of the environment. The school, following advice from the Police Designing Out Crime Officer, considers that relocating the boat house and providing a boundary enclosure would reduce the vulnerability of the building to burglary and vandalism. A pre-application consultation response from the relevant police officer, which has been submitted with the application, advised that the boat house be relocated into its own secure grounds with no part of it directly abutting public space to address issues of vandalism and crime.

4.64 It is officers' opinion that the above considerations represent compelling reasons that, when taken together, constitute 'very special circumstances' that clearly outweigh the identified harm to the Green Belt by definition and any other harm.

## 5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. This harm to openness and purposes of the Green Belt, must be afforded substantial weight and very special circumstances will not exist to justify the development unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.2 It is considered that the other considerations set out in paragraph 4.60-4.63 above, together with mitigation of other harm through planning conditions, clearly outweigh the potential harm to the Green Belt, even when affording this harm

considerable substantial weight, and any other harm. This, therefore, amounts to the 'very special circumstances' necessary to justify the development.

## **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

- Drawing no. 2014-273/103 rev.H 'Site Layout Plan' dated 22/09/16;
- Drawing no. 2014-273\_B01/201 rev.F 'Proposed Elevations Upper Boat House' dated 24/05/16;
- Drawing no. 2014-273\_B01/202 rev.E 'Proposed Floor Plans Upper Boat House' dated 24/05/16;
- Drawing no. 2014-273\_B01/203 rev.E 'Proposed Elevations Lower Boat House' dated 15/07/16;
- Drawing no. 2014-273\_B01/204 rev.C 'Proposed Floor Plans Lower Boat House' dated 24/05/16;
- Drawing no. 2014-273/205 rev.B 'Proposed Site Section' dated 15/07/16;
- Drawing no. 2014-273/207 rev.A 'Proposed River Bank Steps Plan' dated 24/05/15;

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 work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

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

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



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

5 The works are to be completed in accordance with the emails from O'Neill Associates; to City of York Council (CoYC) dated 18 July 2016; and cc'd to CoYC on 04 August 2016, and drawing no.s 2014-273-103 Rev. H and 2014-273\_B01/203 Rev. E.

Reason: To ensure that the proposed development does not result in flood flows being displaced or pushed onto others.

6 The lower boat house is to be designed in such a way that it allows the free ingress and egress of flood flows. Specifically, that the access ramps are suspended so as to allow the free flow and storage of flood waters, that the boat house is to have a void below the floor level of 9.7mAOD with low level louvres that allow the free flow and storage of flood flows, and, the boat house is to be built using flood resilient measures, as a water entry strategy is to be adopted.

Reason: To ensure that the building is not an obstruction to flood flows, and does not displace flood waters onto others.

7 A maintenance regime and plan is to be put in place to keep the void space beneath the lower boat house free from silt and debris, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building.

Reason: To ensure that the void space remains available for the lifetime of the development for the storage and flow of flood waters.

8 There must be no raising of ground levels within the floodplain. All spoil is to be removed from the floodplain.

Reason: To ensure that there is no loss of storage in the floodplain.

9 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To secure practical measures to avoid or reduce impacts to biodiversity features during construction, as appropriate to the scale of development.

10 Prior to the commencement of development of the riverside steps, the detailed mitigation strategy relating to the relocation of the Tansy Plants and Beetles, outlined in the Extended Phase 1 Habitat Survey by Wold Ecology Ltd dated June 2016, and revised and resubmitted on 28.09.16, shall be complied with.

Reason: In the interests of protecting the Tansy Beetle, which is a protected species by virtue of the Wildlife and Countryside Act 1981.

11 Before the commencement of development including demolition, excavations, and/or building operations, an Arboricultural Method Statement (AMS) regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, and location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development. This condition is required to be prior to commencement of development in order to ensure that no trees are adversely affected by any works carried out at the site.

12 Notwithstanding the details shown on the approved plans, there shall be no excavations within 3m of the centre of the trunk of the Ash tree (T1) and the area to the NW of the tree that is shown to be gravelled on the approved plan shall be reduced in height to a level no lower than 300mm above the existing footpath pavement. Prior to the works to lower the land level, details shall be submitted to and approved in writing by the Local Planning Authority showing the transition between the gravelled area and the footpath and the method of construction of the steps to the river in order to ensure that excavations in this area are reduced to a minimum and to allow gaseous exchange between the soil and air. The development shall be carried out in accordance with the approved details.

Reason: To protect the veteran Ash tree (T1), which has been classified as a category B tree and has an amenity and ecological value.

13 Prior to the construction of development, a scheme for the planting and maintenance of 3 no. replacement trees, shall be submitted to, and approved in writing by the Local Planning Authority; the works shall be carried out as approved. These details shall include the position of planting and a maintenance programme. Within 6 months of completion of the development or within 2 years of the date of the removal of the existing trees whichever is the sooner, replacement planting shall be undertaken with 3 no. trees of a similar species and size agreed to be agreed beforehand in writing by the Local Planning Authority. The tree planting stock shall be a minimum of 10-12cm girth (measured at 1m), 3.0-3.5m in height, and be planted, supported and maintained in accordance with good arboricultural practice. The replacement should be planted in a location which is suitable for the trees' successful establishment and development of a healthy mature crown. If within a period of five years from the date of the planting approved in writing by the Local Planning Authority; the works shall be carried out as approved. These details shall include the position of planting and a maintenance programme. Within 6 months of completion period of five years from the date of the planting of that tree, or any tree planted in replacement for it, is removed uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

Reason: To ensure the removed tree is replaced with a suitable species.

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

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

Reason: So as to achieve a visually cohesive appearance.

15 Details of the new gate and fence adjacent to the site boundary with the riverside footpath shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development comes into use.

Reason: In the interests of the visual amenities of the area and the security of the site.

16 Notwithstanding the approved plans, the new access gates adjacent to the riverside path shall be fitted so that they do not open outwards over the adjacent public footpath.

Reason: To prevent obstruction to users of the public right of way.

## **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 (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 advice provided for extension to riverside steps and replacement lower boat house;
- Revisions during the life of the application to address concerns raised relating to flood risk, trees and protected species;
- Imposition of conditions to mitigate potential identified harm.

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