



**Notice of a public meeting of
Planning Committee A**

- To:** Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Doughty, Kilbane, Fisher, Looker, Melly and Waudby
- Date:** Thursday, 3 November 2022
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Public Participation

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

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at meetings. The deadline for registering at this meeting is 5:00pm on Tuesday 1 November 2022.

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

Webcasting of Public Meetings

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

- 3. Minutes** (Pages 1 - 36)
To approve and sign the minutes of the meetings of the Planning Committee A held on 4 August 2022, 8 September 2022 and 5 October 2022.
- 4. Plans List**
This item invites Members to determine the following planning applications:
 - a) Pavers Ltd Catherine House Northminster (Pages 37 - 72)
Business Park Harwood Road Upper
Poppleton [21/02804/FULM]**
Extension to warehouse (B8 Use with ancillary office/welfare space) with service yard, vehicular and cycle parking, and landscaping [Rural West York Ward]
 - b) Pavers Ltd Catherine House Northminster (Pages 73 - 110)
Business Park Harwood Road Upper
Poppleton [22/01555/FULM]**
Extension to Pavers facility to provide office space with associated car parking and landscaping [Rural West York Ward]
 - c) Former Gas Works Heworth Green York (Pages 111 - 138)
[22/01281/REMM]**
Reserved matters application for details of appearance and landscaping for Zone B [Guildhall Ward]

5. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

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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)

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City of York Council	Committee Minutes
Meeting	Planning Committee A
Date	4 August 2022
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Fisher, Looker, Waudby, Rowley (Substitute for Cllr Doughty), Crawshaw (Substitute for Cllr Melly) [until 19:08], Baker (Substitute for Cllr D'Agorne), Fenton (Substitute for Cllr Barker) and Lomas (Substitute for Cllr Kilbane)
In Attendance	Becky Eades (Head of Planning and Development Services) Heidi Lehane (Senior Solicitor) Erik Matthews (Development Management Officer) Alison Stockdale (Development Management Officer)
Apologies	Councillors D'Agorne, Doughty, Kilbane, Melly and Barker

13. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. In respect of agenda items 4b [Oak Haven, 144 Acomb Road, York, YO24 4HA [22/00304/FULM] and 4c [York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York YO30 5RA [22/00707/FULM], Cllr Rowley noted his profession as a Funeral Director. There were no further declarations of interest.

14. Minutes

Resolved:

- i. That the minutes of the meeting of Planning Committee A held on 7 July 2022 be approved and then signed by the Chair as a correct record.
- ii. That the minutes of the meeting held on 11 July 2022 be approved and then signed by the Chair as a correct record subject amending Cllr Daubeney substituting for Cllr Waudby,

and the second sentence of the second paragraph under Declarations of Interest being amended to 'Cllr D'Agorne noted that Lars Kramm, a registered speaker for the planning application was previously on the Green Group.'

15. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A. Johnny Hayes explained that when CYC developed its own projects there had been serious public concern about how these were handled in the planning process. He added that the ombudsman had expressed concern regarding planning. He noted his concerns regarding a number of aspects in the determination of planning applications. In respect of the National Railway Museum central hall application on being considered at the meeting, he noted that flaws in the planning system that were behind the public outrage to the application.

16. Plans List

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

The Chair explained that agenda items 4b Oak Haven, 144 Acomb Road, York, YO24 4HA (22/00304/FULM) and 4c York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York YO30 5RA (22/00707/FULM) would be taken ahead of agenda item 4a Railway Museum, Leeman Road, York (21/02793/REMM) due to the number of public speakers registered on that application. Cllr Crawshaw recorded his strong objection to the reordering of the agenda. He explained that he had informed the Chair on Monday that week that he would only be available as substitute for Cllr Melly in order to conclude the business of the previously deferred National Railway Museum item. He stated that due to the reordering of the agenda he would almost certainly now be precluded from taking part in the decision on the NRM application and expressed deep unhappiness at the way this had been handled.

17. Oak Haven, 144 Acomb Road, York, YO24 4HA [22/00304/FULM] [16:40]

Members considered a major full application from St Marys (North Yorkshire) Ltd for the erection of 64 bedroom residential care home (use class C2) with associated structures, access, parking and landscaping following demolition of existing structures at Oak Haven, 144 Acomb Road, York.

The Head of Planning and Development Services gave a presentation on the application.

Public Speakers

Cllr K Taylor (Ward Member) spoke in support of the application. He noted the disappointment of the Ward Councillors in looking at different options for the site. He noted concern regarding the loss of trees and increase in parking demand.

Tim Ross, Agent for the Applicant, spoke in support of the application. He detailed the increase in demand for care beds and outlined why the location was good for a care home. He noted the high quality of the design and that there were no objections to the application. In response to Member questions, he explained that:

- The two disabled parking spaces and EV charging spaces had been worked through with highways officers.
- Residents would tend to be end of life care and high dependency.
- The repurposing of the building and been looked at and found to be unsuitable for the needs of the people in the care home.
- The private garden on the frontage was a key part of the design and there would be a visitor café area.
- All residents on the ground floor would have access to the outdoor space.
- The bedrooms would be to rent.
- The room sizes were in excess of CQC room sizes were comparable to other care home rooms offered around the city.
- The types of trees and planting.

Following debate, Cllr Fenton moved the officer recommendation to approve the application. This was seconded by Cllr Looker and following a unanimous vote in favour it was;

Resolved: That the application be approved.

Reason: Oak Haven comprises a disused brick built care home dating to the late 1960s with a substantial frontage on to York Road to the north east of the Acomb District Centre. Planning permission is sought for the erection of a three storey brick built 64 bedroom care home with a pitched roof following on from the

demolition of the existing structures on site. The existing built footprint would be broadly followed in terms of the new construction. It is felt that the proposal would provide much needed specialist elderly residential care to part remedy existing deficiencies. It would provide a sensitive design solution for a visually sensitive location in street scene terms. It would make appropriate use of landscaping both for the amenity of residents and the amenity of the wider area and it seeks to minimise parking off site in the surrounding area. The proposal is therefore felt to comply with the policies of the NPPF and the Publication Draft Local Plan 2018.

18. York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York YO30 5RA [22/00707/FULM] [17:00]

Members considered a major full application from Torsion Care (York) Limited And NHS Property Services Ltd for the erection of 72no. bedroom care home (use class C2) with associated landscaping following demolition of Blue Beck House and outbuildings at York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York.

The Head of Planning and Development Services gave a presentation on the application. The Development Management Officer gave an update advising that there had been additional consultation with the housing strategy team who had no objections. There had also been a revision to condition 2 – plans.

Public Speakers

Ian Ward, Agent for the Applicant, spoke in support of the application. He explained that the Applicant, Torsion Care, would develop, build and operate the care home. It would bring jobs to the local economy and would be a fit for future care home. He explained how it would be operated. He noted there was a lack of care beds and the energy efficiency measures of the application. He was asked and explained that it was unlikely that residents would have cars and the spaces provided were for visitors and staff.

Officers were asked and confirmed that there was nothing to stop the operators of the care home saying that residents could not have a room if they had a car. It was also confirmed that the PU panels had come as an offer from the applicant.

During debate Cllr noted a non-prejudicial interest as an employee of the NHS. Cllr Baker proposed the officer recommendation to approve the

application with the revision to condition 2 - plans. This was seconded by Cllr Pavlovic and following a unanimous vote it was;

Resolved: That the application be approved subject to the conditions in the report and revised condition 2: Plans

Condition 2: Plans

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

-

Location plan

Proposed elevations 3165-HIA-01-XX-DR-A-0301 P04, **3165-HIA-01-XX-DR-A-0302 P5** and 3165-HIA-01-XX-DR-A-0303 P3

Proposed floor plans 3165-HIA-01-00-DR-A-0201 P5, 3165-HIA-01-01-DR-A-0211 P5 and 3165-HIA-01-02-DR-A-0221 P5

Proposed roof plan 3165-HIA-01-03-DR-A-2701 P4

Proposed site plan 3165-HIA-ZZ-XX-DR-A-0103-P8

Proposed landscape plan R3-509-03-LA-01C

Proposed boundary treatment plan 3165-HIA-ZZ-XX-DR-A-0107-P2

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

Reasons:

- i. Detailed issues related to the design and form of the building, access, landscaping, and biodiversity have been resolved and are considered to comply with relevant policies. In addition, issues of neighbouring residential amenity are considered to be addressed in the design and siting of the building in relation to existing properties. The proposal complies fully with the requirements of policy H9 in relation to older persons accommodation in meeting an identified need, being well designed and in an accessible location by public transport.
- ii. The site falls within the general extent of the Green Belt and the scheme is considered to be inappropriate by definition. However, officers consider that the proposed very special circumstances are sufficient to outweigh the harm to the Green Belt through inappropriateness and other identified harm, including the loss of the non-designated heritage asset, in accordance with para.148 of the NPPF. It is particularly noted that there is a significant need for older persons accommodation in the city. In addition, the site is identified,

within the evidence base documents for the draft Local Plan, as not serving any Green Belt purpose and is therefore intended to be removed from the Green Belt following adoption of the Local Plan.

- iii. The proposal is considered to comply with relevant policies of the draft Local Plan and represents an appropriate re-use of this brown field site.

[The meeting adjourned from 17:10 to 17:18]

19. Railway Museum, Leeman Road, York [21/02793/REMM] [17:19]

Members considered a major reserved matters application from the Board of Trustees of The Science Museum for the layout, scale, appearance, landscaping and access for the construction of Central Hall (F1 use class) including entrance hall, exhibition space and café with associated access, parking, landscaping and external works following the demolition of the mess room and other structures pursuant to 18/01884/OUTM at the Railway Museum, Leeman Road, York.

The Head of Planning and Development Services reported that the application had been deferred. The Senior Solicitor advised that Section 149 of the Equality Act 2010 (Public Sector Equality Duty) provided that the Council in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), shall have due regard to the need to-

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics set out in Section 4 of the Equality Act were: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. She advised that having due regard means consciously thinking about the three aims of the PSED (set out above) as part of the process of decision-making. She added that there is no duty to achieve a particular outcome.

The Head of Planning and Development Services gave a presentation on the application. It was confirmed that the applicant had provided

information to officers that outlined the accessibility features of the application. This included the details on, car parking, access routes and vertical circulation, the legibility and ease of use, and internal museum route.

Public Speakers

Flick Williams spoke in objection to the application. She noted the focus on the Equalities Impact Assessment (EIA) was there to identify and mitigate harm and she expressed concern about the walkway agreement. She did not feel reassured that NRM staff would assist people through the central hall, and she suggested that some people may be retraumatised by having their bags searched. She was also not assured of the improvements to the riverside path, and she expressed concern regarding social isolation of elderly and disabled residents.

In answer to Member questions, Flick Williams explained:

- Her concern for people with multiple impairments and the impact of a lot of people moving in different directions in the central hall.
- People who are non-verbal would find it difficult to move to speak to staff.
- That the EIA did not meet due regard to items b) and c) of the Section 149 of the Equality Act 2010 (Public Sector Equality Duty). She also asked where the evidence of consultation was for people with protected characteristics.
- The EIA should have been done at the beginning of the process.
- The application was being treated in different stages and the walkway agreement should have been considered with the application.
- It was not her expertise to offer a different design to that of the red line.

Kate Ravilious spoke in objection to the application. She explained that she had received a review of the EIA, undertaken by Helen Kane (professional, qualified access consultant and surveyor, and director of Access Included). The document highlighted serious concerns over how the EIA had been produced and it suggested that the EIA had not met the requirements of the Equalities Act. She listed a number of concerns regarding the EIA noting that there hadn't been one at previous stages of the application, that no equalities outcomes had been listed in it and the mitigations in the EIA were not reasonable.

In response to Member questions, Kate Ravilious and Helen Kane noted that:

- The statement of community involvement would include consultation with people with protected characteristics.

- There was no provision for alternative formats for the consultation documents. It was expected that the consultation would be undertaken at regional and national levels with groups of people with protected characteristics.
- No evidence of an EIA was found in previous decisions regarding the closure of Leeman Road
- The officer with responsibility for the EIA should have had suitable training and there were concerns regarding a lack of training.
- It was normal for the EIA to be considered at the early and to be carried out by the local authority.
- The report produced was based on a paper assessment and the application information available online. Kate Ravilious and Helen Kane confirmed they would be happy to share the report.
- It would be possible to have a walkway through the site 24 hours a day, 7 days a week where there was a staff only route. There were other options regarding going around the site and the public had put forward different access arrangements.
- The safety of access 24 hours a day, 7 days a week through an empty building needed further exploration. The Rijksmuseum in Amsterdam was cited as an example of good access arrangements.

Jamie Wood spoke in objection to the application on behalf of York Cycle Campaign. He explained that the plans would curtail access arrangements and would impact the greatest on vulnerable people. He added that the EIA should not be based on when the museum is open and noted that the walkway agreement was integral to the application. He noted the NPPF priority to pedestrians, CYC to be net zero by 2030, the CYC active travel policy and cycling provision in LTN 1/20.

David Finch spoke in objection to the application. He noted the impact of the two year construction phase of the development on travelling on routes through the site. He asked Members to consider the needs of vulnerable residents on the 'island' and suggested that riverside improvements must take place before construction, adding that there could be a Grampian condition for this. He was asked and demonstrated where the 'island' was, noting that it was isolated in connectivity. He noted that some people avoid using the riverside route and he explained the routes that could be taken. He was asked and clarified that riverside improvements be made during the NRM (not York Central) construction phase.

Paul Clarke (Director of St. Peter's Quarter Residents Association Ltd) spoke in objection to the application. He noted that the EIA did not materially change the decision made. He stated that the application did not consider paragraph 132 of the NPPF as the NRM has not worked

closely with residents. He added that the walkway agreement was agreed without consulting residents and that there was no democratic oversight of the agreement. He noted that the application did not address sustainable transport and other policies within the NPPF. In response to a question from a Member regarding engagement from the NRM he explained that nothing had changed, and he had tried to engage the NRM with no response. He added that the NRM workshops were information telling to residents.

Anne Norton spoke in objection to the application on behalf of York Disability Rights Forum. She noted that the EIA did not address the stopping up order. She expressed concern regarding delays in travelling through the central hall because of bag searches and she outlined reasons why some people may avoid that route because of the distress caused. She added that the EIA contained no alternative routes and explained how it breached human rights.

[At this point in the meeting, Cllr Crawshaw noted that his mother was a member of the York Disability Rights Forum steering group].

In answer to Member questions, Anne Norton explained that:

- Regarding the route through the building there was a fatigue element for people with disabilities and there was a compound of factors impacting this, including planning routes around the building.
- There was concern regarding assurances that there would be a member of staff being available in the central hall.
- It was hoped there would be a 24 hour route through and a rethink of the design.

Roger Pierce spoke in objection to the application on behalf of WalkYork on the proposed alternative pedestrian routes. He was confident that there was an alternative route that could go through the building. He noted that an alternative route for the residents for St Peter's Square was needed as they would be anxious about the route proposed. He also expressed concern about safety due to no buildings overlooking the route. He was asked and demonstrated an alternative route.

Cllr K Taylor (Ward Member) spoke in objection to the application on behalf of residents He noted that the EIA showed problems with the application, and he expressed concerns about the walkway agreement. He added that the application did not meet outline approval of there being access through the site being directly and freely available in perpetuity. He noted that condition 45 did not limit the opening hours. He stated that the NRM must be forced to address the high level of objection. In response to Member questions, he explained that:

- He had been told that the walkway agreement could not be amended and had been told at the public inquiry that it was for information only.
- There had been no formal consultation with the Ward Committee and as Ward Councillors they had tried to proactive in engaging with residents. He noted that the 2018/9 petition focused on pedestrian and cycle access and received over 1600 signatures.
- There had been a briefing with highways officers about the application
- The amending of the walkway agreement needed to be done democratically, and it was material to the planning application.
- There had been a meeting with the NRM that Tuesday morning at which there had been areas of disagreement and the NRM had given reasons for not being able to have a 24/7 route. He noted that Ward Councillors had offered £10k of Ward Committee funding to look at a redesign.
- Officers had not been in contact regarding the EIA.

Cllr Heaton (Ward Member) spoke in objection to the application on behalf of residents. He asked how those with additional need would be informed of the route through the site, and how disabled people, would be notified of closures during working hours. He listed a number of concerns about the walkway agreement, and he noted that the was significant harm caused by the application and requested deferral of it.

[The meeting adjourned 18:50 to 19:03]

Cllr Crawshaw explained that for personal reasons he needed to leave the meeting. He requested that all Members consider very carefully the application and York Central on York. He noted that he was worried about reputational damage to the NRM. He highlighted paragraph 132 of the NPPF on consultative design and was concerned that this had not been met. He added that the NRM had step free access between the sites. He noted that there was a problem with signage and he was concerned regarding signage for getting through the building from one side to another. He stated that the decision needed to be right for the city, the people who live there and the organisations within it. He proposed that if approved, that the Committee add a Grampian condition regarding the riverside walkway, and he proposed that as a condition. He also suggested the addition of a condition regarding staff being available to help people through the building.

[Cllr Crawshaw left the meeting at 19:08]

Judith McNicol (Director of the National Railway Museum) and Emily Yates (Mima – accessibility consultant) spoke in support of the application on behalf of the applicant. Judith McNicol explained that the focus of the meeting was the reason for the deferral for the EIA and the EIA was an officer assessment. She noted that as Director of the museum she took the issues with access for the residents very seriously. Emily Yates then explained that there were 14 disabled parking bays and noted that design of them. She detailed the widths of the walkway noting that it exceeded disabled guidance. She added that there was a 2m level change at the western side of the building which was a stepped and sloped route at a 1 in 20 gradient. She explained wayfinding around and inside the central hall noting that NRM staff members would be on hand to help. She explained that there had been consultation with people with lived experience and the user group had provided feedback.

In response to Member questions Judith McNicol and Emily Yates explained that:

- CYC officers did the EIA.
- There had been consultation with the lived experience user group.
- The inclusive design standard was an aspirational document for the NRM and was in utilisation. It was an internal document and they would be prepared to submit it and documents in the public domain. It was not a part of the planning submission.

[At this point the Head of Planning and Development Services noted that it had been taken into account as part of the design and access statement]

- The bulk of the user group workshop was as visitors to the museum.
- The difficulty if design versus operation came down to staff availability and training. The design tried to address that conflict in the drum. The museum had spoken to the architect regarding light reflectance values, surfaces, and finishes. They had also worked with the wayfinding team on tactile signage. There was the opportunity for QR codes to be on signs.
- As part of the consultation, they had engaged with the SNAPPY trust regarding the wonderlab design. They had not talked to the York Disability Rights Forum and would be willing to do so.
- Regarding a potential bottleneck when entering the central hall, it was important to understand peak times at the museum. The peak times were explained.
- The user group noted the differentiation between the lobby and the drum and noted the importance of staff availability. The user group had also been consulted on the queuing system and this had not yet been agreed.
- There were two separate doors for entry and egress.

- Regarding information on the central hall through route being open, MIMA had been appointed to look at this and the website facilities would be used to show when the museum was open. There had been an internal appointment at the NRM who would be looking at the website.
- Level access had been a major part of the planning applications. It was noted that the public feedback on the bridge and tunnel as part of the consultation in 2017 had not been positive.
- The routes exceeded access compliance.
- As a wheelchair user, Emily Yates noted that Leeman Road was not good for access. She added that the current route was not without its challenges.
- The level differences did not easily allow for a route over the top and the police designing out crime officer did not like people being on their own for a period of time.
- The bag checking was as a result of police advice and in the 17 years that Judith McNichol had worked at the museum there had been no bag checking. If this was required, an alert would be put in place.
- There was an additional 394m length to walk and cycle on the diversionary route. As a wheelchair user, Emily Yates would need to understand the access and lighting of the route to judge what the effect of this was.
- The alternative route as part of the stopping up order and the alternative highway route had been approved. The alternative route was explained,
- Regarding looking at a way of providing access 24 hours a day, the comments of the police designing out crime officer needed to be taken into account.

[The Head of Planning and Development Services clarified that the distance from points F to B was 372m]

- The entry charges for the museum had been removed in 1997. If this was changed by the government, the walkway agreement would need to be looked at.
- It was believed that the central hall would be used as a walk through. The importance of wayfinding was noted.
- The design of the walkway had been taken into account in condition 45 of the outline planning permission.
- The police designing out crime officer said that certain features of 24 hour access were not acceptable. This was part of the officer's comments on a number of designs as part of the outline planning permission in which they talked about features that isolated users

and were mindful of the York Central masterplan. It was not known if there was a reference to marble arch as part of those comments.

- It was noted that the underpass was suggested that the consultees did not favour it.

[The Head of Planning and Development Services advised that the walkway agreement could not be considered as part of the application].

- There had been work to revise the walkway design as a result of consultation.
- Members then asked further questions to officer to which they responded that:
- Sections 5.1 to 6.1 were recommendations that had been put forward.
- Regarding the suggestion to condition opening hours and staff availability, the application did not relate to the rest of the museum. It was not reasonable to condition those as it did not meet the six tests.
- Condition 45 conditioned the through hours of opening. There was no material change due to condition 45 and it could not be revised as it was part of the outline planning permission.
- If the Committee did not make a decision the applicant could appeal for non-determination, and it could go to a public inquiry.
- It would not be reasonable to condition the riverside walkway before building work start as there was an alternative route.
- The report co-authors of the EIA had EIA training. The co-authors wrote the EIA which was then reviewed by the Head of Service and Assistant Directors.
- Consultation for the EIA was done through the planning consultation.
- Staffing was identified as a mitigation. The inspector said that the route through was a limited mitigation. Officers had not been asked to consider additional mitigation.
- An explanation was given on how Article of the Human Rights Act would be triggered.

Following debate, Cllr Ayre proposed the officer recommendation to approve the application. This was seconded by Cllr Fisher. On being put to the vote with five Members in favour and five against, with the Chair's casting vote to approve it was then;

Resolved: That the application be approved.

Reasons:

- i. The principle of development of the NRM site as part of the wider York Central development was approved at outline stage and the proposals put forward within these reserved matters application are within the remits of the approved parameter plans and design guide approved by Conditions 6 and 7.
- ii. The outline application was granted in the context that Leeman Road would be stopped up and alternative routes provided through the York Central site. The Stopping Up of Leeman Road has been granted through a separate highway process. As part of the Stopping Up a Walkway Agreement was approved which set out operational matters with respect to access through the museum. This reserved matters application seeks approval for access and layout and the Council are satisfied that the proposals provide an appropriate layout and access to the site and accord with the Walkway Agreement.
- iii. The proposals are in line with what was accepted at outline stage in terms of traffic generation, impact on the existing highway network, alternative routes for pedestrians and cyclists and parking provision. There are also sufficient measures in place through conditions and the Section 106 attached at outline stage in order to promote sustainable travel and this is aligned with the Council's transportation policies. The proposals are therefore in accordance with the NPPF and Local Plan Policies set out above.
- iv. With respect to heritage impacts, the Council are satisfied that the proposals would not result in harm to designated heritage assets on the site. It is recognised that delivery of Museum Square would have provided more certainty with respect to the setting of heritage assets however this is not within the control of the NRM and the Council are satisfied that this will be adequately addressed through a future reserved matters scheme for this site. It is recognised that there will be loss of a non-designated heritage asset, however the Applicants have justified their approach to the design and loss of the mess room. In addition, the application clearly sets out the significant economic, social and cultural benefits derived from the scheme. The Council therefore consider that the loss of this non designated heritage asset is outweighed by the significant benefits the proposals will bring not only to the City of York but also as a cornerstone of the York Central development. With respect to archaeology appropriate investigations have been

undertaken as far as they can at this stage of the development and is agreed that further investigations will be required once more of the site becomes accessible. The Council and Historic England are therefore satisfied that an appropriate approach to archaeology is being taken.

- v. The proposals provide a satisfactory layout, appearance, scale and landscaping scheme which accord with the outline Design Guide and would enhance the character and appearance of this area. Whilst sustainability and designing out crime measures have been set out, the full details of these measures will be secured through subsequent discharge of conditions.
- vi. The application includes an appropriate update in terms of impacts on habitats and protected species within the site which remain in line with the OPA ES.
- vii. The Council are satisfied that the discharge of planning conditions attached at outline stage can provide the detail required to ensure that an appropriate drainage scheme is incorporated into the site and that there would be no additional impacts in terms of flood risk.
- viii. The proposals are considered to be in accordance with the OPA ES which accepted impacts with respect to air quality, noise and contamination subject to mitigation and a series of conditions to be discharged.
- ix. The economic benefits arising from the scheme are recognised and the contribution the proposals will make to the City are supported by the Council's Economic Development Team.

Cllr Cullwick, Chair

[The meeting started at 4.30 pm and finished at 9.12 pm].

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City of York Council	Committee Minutes
Meeting	Planning Committee A
Date	8 September 2022
Present	Councillors Cullwick (Chair), Ayre, D'Agorne, Doughty, Kilbane, Fisher, Melly, Waudby, Crawshaw (Substitute for Cllr Looker), Douglas (Substitute for Cllr Pavlovic) and Fenton (Substitute for Cllr Barker)
In Attendance	Becky Eades (Head of Planning and Development Services) Ruhina Choudhury (Senior Solicitor) Alison Stockdale (Development Management Officer)
Apologies	Councillors Pavlovic, Barker and Looker

19. Declarations of Interest (16:34]

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. In respect of agenda items 4a [Northern House, Rougier Street, York [22/00098/FULM], Cllr Crawshaw noted that he was a Governor at Scarcroft Primary School and Cllr Doughty noted that his employer was a tenant of Northern House. There were no further declarations of interest.

20. Minutes [16:35]

Cllrs Crawshaw and Melly noted a number of suggested amendments to the minutes of the meeting held on 4 August 2022.

Resolved: That the approval of the minutes of the meeting held on 4 August 2022 be deferred.

Reason: In order to consider suggested amendments.

21. Public Participation [16:42]

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

22. Plans List [16:42]

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

23. Northern House Rougier Street York [22/00098/FULM] [16:42]

Members considered a major full application from Rougier Street Developments Ltd for the demolition of 1 - 9 Rougier Street and erection of mixed use development including 153 apartments (Use Class C3), offices (Use Class E), visitor attraction (Use Class F1), aparthotel with 88 rooms (Use Class C1) with associated landscaping and public realm improvements (resubmission) at Northern House, Rougier Street, York.

The Head of Planning and Development gave a presentation on the application showing the existing site, views, elevations and 3D isometrics. She advised that Members needed to base their decision on the scale plan.

An update was given to the committee, informing them of two additional representations in relation to the bat survey being out of date and a request for the full Financial Viability Assessment to be published, not just the Executive Summary. There had also been additional consultations from the Council's Design, Conservation and Sustainable Development (Conservation) officer, Design, Conservation and Sustainable Development (Ecology) officer, Design and Conservation and Sustainable Development (Design) officer and Yorkshire Water, resulting in a number of additional conditions being recommended. These were related to the biodiversity enhancement plan and drawing, the lighting design plan and construction.

Public Speakers

Johnny Hayes spoke in objection to the application noting concerns regarding harm to heritage and archaeology, the need for affordable housing and disclosure on the Financial Viability Assessment. In response to Member questions, he explained the need for the full FVA to be

published and not just the Executive Summary. He was asked and explained that he could not comment on what would change as a result of seeing the full FVA until he had seen it.

Flick Williams spoke in objection to the application detailing concerns regarding disabled access. She explained a number of problems with the exterior of the building, issues with public transport infrastructure and size of the flats and shared space.

Ken Smith spoke in objection to the application on behalf of the Council for British Archaeology (CBA). He explained the CBA rationale for objecting to the application on the grounds of harm to the central conservation area and concern regarding the proposed approach to archaeology on the site thus resulting in the CBA recommending refusal of the application. In answer to Member questions, he explained that:

- The timescale and funding for the site needed to be sufficient and it was not known what laid under that ground.
- The CBA perspective would be an evaluation of the site when the building was dropped. He added at policies nationally and locally were not being applied.
- There was a degree of assurance in that it was recognised that it was not known what was under the site however but there were further concerns which were explained.
- In accounting for the fundamental difference between the CBA and York Archaeological Trust (YAT), it was noted that YAT were part of the application. The CBA tried to take an objective view in context of designated heritage assets and what was the best way forward.
- If there were waterlogged remains, the site would be of international interest.

Laurence Beardmore, President of the York & North Yorkshire Chamber of Commerce spoke in support of the application on behalf of the Chamber on the economic and business benefits of the scheme. These included economic growth and the regeneration of that side of York. He added that all occupiers of Northern House had leases ending by the end of the year and the offices would be vacant by the end of the year. He added that there was permitted development rights on the building and that the new development would offer grade A office space. In response to Member questions, he noted that:

- The GVA was built over a number of years and was cumulative, and there was a need to keep adding to the city.
- The office space could be converted into flats without planning permission.

Nick Rowe spoke in support of the application on the health and wellbeing benefits of the archaeological dig. He explained the value of archaeology on prescription and the mental health benefits of belonging to the team doing the dig to York and through their contribution to discovery and achievement.

At this point in the meeting, a Member expressed concern regarding the number of registered speakers on behalf of the Applicant. The Chair stated that the speakers on behalf of the Applicant would have 5 minutes to speak combined.

Eamonn Keogh, Agent for the Applicant, spoke in support of the application on the planning case. Neil Brown, the architect for the application explained that when the application was approved the previous year, the Applicant listened to the comments of the committee and had worked with the council design and conservation team and other stakeholders in changing the design of the scheme. He detailed the changes noting that the design included significant public realm improvements. He noted that the Applicant would continue to work with stakeholders. David Jennings spoke on the archaeological aspects of the case on behalf of the Applicant. He explained that public engagement would run alongside the excavation of the site and that the scheme would be focussed on the maximum delivery of public development.

Members then asked Eamonn Keogh and colleagues in attendance a number of questions to which they responded that:

- The Tanners Moat end of the site represented challenges and the reasons for moving the building were explained.
- The entrances and access arrangements were detailed.
- Concerning why the building was not accessible from all directions, there was a need to be clear about how to enter the attraction through the signposted routes on Tanners Moat and the glass atrium.
- The access from Tanners Moat to the public realm space was explained. It was noted that each side of the building did have access.
- Regarding how the building was accessible, this was part of the detailed design stage and the Applicant was happy to have conversations to address concerns about the design.
- Access was at the core of all attractions. They had worked with MySight, The Hut and the Blueberry Academy and they would work hard to make sure that everybody could access the attraction.
- The one and two bed roomed apartments were above space standards and studio bedroom did not have national minimum space standards.

- There was no reception area and there was a mix of units of single and double dwellings.
- The national minimum space standards started at one bedroom dwellings. 60% of the flats were studios. The report stated that the flat space sizes were considered acceptable.
- There would be a minimum let of a three month stay and in services apartments there was an average stay of 18 months. The benefits for tenants of services apartments included access to the gym and restaurant. All apartments would be tenanted.
- It was noted that the site was appropriate for high density.
- There was no level affordable housing in the apartment mix.
- The spaces in the scheme worked for a range of people and mix of tenants.
- The cost of rent would depend on the size of the unit.
- The uplift in visitor numbers was explained and it was noted that the attraction was three times as big as the Jorvik Viking Centre. It was noted that the Roman period was popular and that the projected visitor numbers were modest.
- Regarding displaying finds on the site, the design of the museum had not been finalised. It was explained that they wanted residents to get involved.
- Regarding significant finds on the site, this was about programming. The timings were ambitious and the reality was about resourcing. The estimations were based on long industry understanding. There was a balance between conservation and discovery.
- There were different tests for designated assets and non-designated assets and they would look at specific based assets known on the area and area based assets. The complexity of the assessment of the harm for the area was explained.
- Regarding not following CBA methodology, the YAT was following industry methodology and would comply with the methodology of the Chartered Institute of Archaeologists.
- Concerning the difference of opinion from the CBA and YAT, YAT was interested as an educational institution in investigation. The approaches regarding conservation and investigation were noted.
- In regard to the fuel used in the building, the building was designed using available technology and it met the policy requirements of the Draft Local Plan. The aim was to deliver low energy and a note was made of the measures in place to deliver future proof solutions.

On the news of the death Her Majesty Queen Elizabeth II, Members unanimously agreed to adjourn the meeting to consider the running of the meeting and they left the meeting to deliberate.

[The meeting adjourned from 18:33 to 18:42]

Members returned to the meeting. The Chair read out a statement on the death of Her Majesty Queen Elizabeth II and all present were informed that it was appropriate to discontinue and adjourn the meeting to a later date.

[The meeting adjourned at 18:44]

Meeting	Planning Committee A
Date	5 October 2022 – Reconvened from meeting adjournment on 8 September 2022
Present	Councillors Cullwick (Chair), Ayre, D'Agorne, Doughty, Kilbane, Fisher, Melly, Waudby, Crawshaw (Substitute for Cllr Looker) and Douglas (Substitute for Cllr Pavlovic) and Fenton (Substitute for Cllr Barker)
In Attendance	Becky Eades (Head of Planning and Development Services) Ruhina Choudhury (Senior Solicitor) Alison Stockdale (Development Management Officer)
Apologies	Councillors Pavlovic, Barker and Looker

24. Northern House Rougier Street York [22/00098/FULM]

The Head of Planning and Development Services noted that written representations received following the meeting on 8 September 2022 and the full Financial Viability Assessment (FVA) had been circulated to Committee Members during the Adjournment Period. Concerning paragraph 5.14 of the Committee Report, it was clarified that the scheme would be fully electric. In response to a Member question regarding lobbying, the Head of Planning and Development Services confirmed that written representations had been accepted.

Members were given a precis of the meeting on 8 September, noting that consideration had been given to access and space requirements, density, visitor numbers, archaeology, and energy strategy (including air source heat pumps, photovoltaic and heating). Questions to the Applicant then resumed. The Agent for the Applicant and colleagues were asked and clarified that:

- There was a variety of energy saving and sustainability measures in the scheme. Due to the location of the site, it was not possible to use photovoltaic and the scheme would be using air source heat pumps and electric heating. It was noted that the air source heat pump would increase the BREAMM rating and that it would be located on a compound on the roof.

- Concerning the possibility of valuable archaeological finds, the applicants were relying on the experience of the archaeological team. It was noted that Conditions 5 and 6 covered archaeology and there was a degree of uncertainty with the archaeology with finds dealt with as they occurred.
- Regarding the FVA stating that the scheme was unviable, the different types of viability assessments was explained. It was clarified that there was £6million for the dig and that York Archaeological Trust (YAT) had taken a 10 year view of it. It was further clarified that the £2million figure for the dig was from the previous scheme.
- The overall question of viability related to the S106 obligations and the viability assessment came up with a £24-26million deficit.
- The viability assessment had been carried out using a standard viability assessment. The NPPF guidance was outlined and it was added that the developers were taking a longer term approach to make the scheme viable. If during the life of the scheme it became viable, the S106 contribution for affordable housing could be revisited as part of the overage.
- The scheme was being assessed using the standard methodology in the guidance.
- With reference to the Council for British Archaeology (CBA) methodology for the excavation for the site, it was explained that to widen the size of the excavation would have a greater impact on the site. Reference was made to previous reports on the archaeology of the site and a Member noted the questionability of the location of the Roman road and it was explained that it was highly likely that the bridge was located onwards from Tanner Row.
- The stepped entrance at one access point was because of different ground levels. The stepped access was expected to be mainly used for deliveries but could also be used by the general public.
- It was confirmed that the stairs in the middle of the building met accessibility requirements.
- The gates would be closed when the attraction was not in use and that part of Tanner Street was in the ownership of the building.
- Blue badge holders would be dropped off at the three to four parking spaces on Tanners Moat. An explanation of drop off locations was given.
- Each of the apartments will be accessible, and 20% of the rooms in the aparthotel will be accessible.
- Regarding visitor numbers, the economic impact assessment took account of visitors being from York and this was factored into that calculation.

Members then asked further clarification questions to officers to which they responded that:

- The viability at the point in time showed that affordable housing could not be provided. This may be able to be provided at a different point in time.
- The Executive Summary of the FVA remained the same as the full report.
- The location of cycle parking and storage was explained.
- The location of the parking bays was yet to be finalised.
- Condition 56 referred to the viability of the scheme.
- It would not be reasonable to include a funding agreement, and a condition could not be used to secure funding. The Senior Solicitor confirmed that conditions could not be used to regulate private contracts.
- It was clarified that the viability assessment was to look at the viability of S106 contributions.
- Paragraph 58 of the NPPF states that the weight to be given to the viability assessment is to be determined by the decision maker.
- The reason for the building material and colour was explained.
- All four clauses needed to be met to meet policy D6 of the Local Plan.
- Condition 6 covered the archaeological remains management plan. The process for the evaluation of archaeology was explained.
- Regarding the CBA reference to the lack of evaluation of the site, there was no real knowledge of what laid under the site. The difference with the site was that other public benefits aside, the benefits outweighed the substantial harm.
- It was difficult to answer whether deposits on the site would dry out as a result of environmental impacts.
- The rationale for the juxtaposition of the design of the building on the corner and its harm to listed buildings was explained.
- It was explained that the details of the overage needed to be confirmed and would be dealt with when negotiating the s106 Agreement.
- The education provision and location of play equipment were based on officer's evidence bases. In the absence of evidence to support alternative allocation, the officer's recommendation regarding the location of the play equipment would remain unchanged.
- The Senior Solicitor confirmed that, depending on the nature of amendment being sought, it was possible to amend an officer recommendation. If changes needed to be made to the S106 once completed, this would need to be agreed and formalised via a Deed of Variation. It was confirmed that details of the amount and allocation of S106 contributions could not be changed.
- The recommendation was based on officer's evidence base.

[The meeting adjourned at 18:50 and reconvened at 19:00].

The Senior Solicitor advised that in the absence of relevant assessments having been undertaken to support changes to the S106 obligations, the Committee needed to make their decision based on the recommendation and evidence used to make the recommendation. The Head of Planning and Development Services advised that the Applicant was prepared to accept a change to Condition 56 regarding providing evidence of funding for the site. The inclusion of this in the condition was considered reasonable by officers.

Members then debated the application. Following debate Cllr Fenton proposed the officer recommendation to approve the application with the additional conditions relating to the inclusion of a biodiversity enhancement plan/drawing, lighting design plan, submission of a construction environmental management plan (CEMP: Biodiversity), works to ensure the stopping up of parts of Tanner Row to facilitate the landscaping scheme and amended Conditions 2, 31, and 42 and amendment to Condition 56 regarding providing evidence of funding for the site. This was seconded by Cllr Doughty. A vote was taken with six voting in favour and five against.

It was therefore:

Resolved: That the application be approved subject to completion of a S106 agreement to include the items below and the recommended conditions:

- Control of Build to Rent tenancy length
- Viability review mechanism
- Education contributions
- Primary £56,928
- Secondary £26,126
- Early years £56,928
- Off-site sports facilities for clubs based in the city centre and Clifton £38,127
- Off-site amenity space at North Street Gardens and War Memorial Gardens £27,029
- Children's play space at Scarcroft Green play area £13,676
- Off-site highways works
- £20,000 to implement changes to loading restrictions on Wellington Row and Tanner Row, access onto Wellington Row and parking restrictions if required
- £3,000 towards signalling changes to accommodate cyclists at the junction of Tanner's Moat and Rougier Street

- £6,000 for a TRO and signage for a car club car on North Street or nearby
- Sustainable travel £400 per dwelling toward bus pass or cycle equipment
- S106 monitoring fee £1000 for travel planning, £1300 each for open space, education and highways.

Additional conditions

1. A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of above ground works. The approved plan shall be implemented prior to first occupation and retained and maintained for the lifetime of the development.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

2. Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The plan shall:

- Demonstrate that required external lighting has been selected in line with current guidance – Bat Conservation Trust (2018) Bats and artificial lighting in the UK.
- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.
- The approved lighting plan shall be retained and maintained for the lifetime of the development.

Reason: To protect the habitats of European Protected Species where there might be changes on site in accordance with Section 15 of the National Planning Policy Framework.

3. No development shall take place 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 roles 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 details of the approved plan shall be fully complied with in accordance with approved timescales.

Reason: To facilitate the protection of notable/sensitive habitats within the local area.

4. Prior to commencement of development, works to ensure the stopping up of parts of Tanner Row to facilitate the landscaping scheme as shown on the indicative landscape plan 0730-RFM-XX-00-DR-L-0001-S2-P03 shall be completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of good design and highway safety.

Amended Conditions

Condition 2 Illustrative landscape plan 0730-RFM-XX-00-DR-L-0001-S2-P03

Condition 31 Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 07:00 to 19:00 hours

Saturday 07:00 to 19:00 hours and not at all on Sundays and Bank

Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

Change proposed to delivery hours to address potential conflict with pedestrianised hours.

Condition 42 Prior to the commencement of each phase of development, details of the following shall be submitted and approved in writing by the Local Planning Authority:

- Amount and type of construction traffic
- Construction access and egress
- Routes into and out of the city centre for construction vehicles including arrangements for deliveries and loading (with holding areas off site if required)
- Dilapidation survey over area to be agreed
- Locations for contractor parking
- Suitable and safe access, parking and drop-off for visitors and staff during Phase 1 (archaeological dig)
- Hoarding details - please note hoarding licences are likely to be required
- The approved details shall be implemented prior to commencement of, and fully adhered to throughout, the relevant construction period.

Reason: In the interests of highway safety.

Condition 56 – to provide evidence of funding for the site.

Reasons:

- i. The scheme involves the demolition of 3 buildings within the Central Historic Core Conservation Area. None of the buildings are of significant architectural value, and one is identified as a detractor, therefore no objection is raised to their demolition, providing a sufficiently high-quality replacement is proposed. An archaeological dig will then take place across 28% of the site followed by construction of a 12 storey (2 basement storeys plus 10 above ground) building consisting of a visitor attraction related to the archaeological dig, 2375sqm office space, aparthotel and 153 flats. The site, as well as being in the conservation area and Area of Archaeological Importance, is within Flood Zone 3 and adjacent to, or in close proximity to, a variety of listed buildings. In accordance with paragraph 11 of the NPPF, the more restrictive heritage assets and flood risk policies in the NPPF apply.

- ii. The proposal results in the loss of office space within the existing buildings. An assessment of the existing floorspace has shown that it is less attractive to the modern business as a result of its layout and low energy efficiency. Additionally, there has been a change in character along Rougier Street to a more leisure-based emphasis. There is some replacement office space in the new building, and it is acknowledged as a more energy efficient and practical floorspace than the existing. For these reasons, the proposal is considered to comply with policy EC2 of the emerging Local Plan.
- iii. The proposal has been revised significantly since the previous scheme and now represents a more sensitive response to its context. It is still however a large building within the historic city and as such will necessarily impact on its surroundings. As a result, harm has been identified to the conservation area and the setting of a number of listed buildings, most particularly 15, 16 and 17 Rougier Street. The harm to designated above ground heritage assets has been assessed at less than substantial.
- iv. The archaeological dig is an intrinsic part of the scheme. It is anticipated that the archaeological deposits found will be of national importance and they should therefore be considered subject to the policies for designated heritage assets. Local Plan policy D6 identifies that where archaeological deposits of more than 5% of the site are disturbed then this equates to substantial harm to the heritage asset.
- v. 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 Planning (Listed Buildings and Conservation Areas) Act 1990. The harm resulting from the scheme is considered to be substantial however substantial economic, social and environmental benefits have been identified. These benefits relate to the significant economic benefits of the visitor attraction, public engagement and educational benefits of the archaeological dig, provision of housing, modern energy efficient building and public realm enhancements.
- vi. The substantial harm to the designated heritage assets has been afforded great weight in the planning balance however

there are also significant public benefits. While it is clearly a finely balanced decision, these public benefits are considered sufficient to outweigh the harm identified to those heritage assets even when such harm has been afforded considerable importance and weight in the overall planning balance.

- vii. As set out in section 5 of the committee report, other identified potential harms to flood risk, highway safety, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

Cllr Cullwick, Chair

[The meeting started at 4.30 pm and finished at 7.44 pm].

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City of York Council	Committee Minutes
Meeting	Planning Committee A
Date	5 October 2022
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Doughty, Kilbane, Fisher, Looker, Melly, Waudby and Fenton (Substitute for Cllr Barker)
In Attendance	Becky Eades (Head of Planning and Development Services) Ruhina Choudhury (Senior Solicitor) Jonathan Kenyon (Development Management Officer)
Apologies	Councillor Barker

25. Declarations of Interest [19:46]

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. In respect of agenda items 4b [Oak Haven, 144 Acomb Road, York, YO24 4HA [22/00304/FULM] and 4c [York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York YO30 5RA [22/00707/FULM], Cllr Rowley noted his profession as a Funeral Director. There were no further declarations of interest.

26. Public Participation [19:46]

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A. Johnny Hayes explained that when CYC developed its own projects there had been serious public concern about how these were handled in the planning process. He added that the ombudsman had expressed concern regarding planning. He noted his concerns regarding a number of aspects in the determination of planning applications. In respect of the National Railway Museum central hall application on bring considered at the meeting, he noted that flaws in the planning system that were behind the public outrage to the application.

27. Plans List [19:46]

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

28. Vacant Site, Eboracum Way, York [19/01467/FULM] [19:46]

Members considered a report on viability issues in delivering the scheme for the erection of 5 storey apartment building with basement comprising 62 residential units (Use Class C3), associated car parking and landscaping works at Vacant Site, Eboracum Way, York. The scheme, for residential development of the site was considered at planning committee 11 February 2020 and approved in May 2020. The S106 Agreement dated 20 May 2020 (as varied by the Deed of Variation dated 1 December 2020) contained a policy compliant affordable housing obligation of 20% (in accordance with policy H100 of the Publication Draft Local Plan 2018). The Development Management Officer explained that there were now viability issues in delivering the scheme and the construction and abnormal costs had been independently reviewed by Quantity Surveyors and a fresh viability appraisal undertaken by the District Valuer. The viability appraisal, by the District Valuer, concluded that the scheme was not viable and recommended to the Council that the £1m contribution offered was reasonable. As such, Members were asked to consider delegating authority to Officers to vary the S106 agreement accordingly. This would secure £1m in planning obligations. The recommendation was for the affordable housing obligation to be reduced accordingly to £881,471.

The Chair invited the Applicant to the table. The Applicant explained the viability issues to Members. In response to Member questions, he explained that:

- He was not the original applicant and had not been made aware of the £600k costs for access to the site via the delivery track
- Risks were considered, however, there were unforeseen circumstances with the site due to Coronavirus
- Should the affordable housing contribution not be reduced, the development would become unviable
- The Applicant was to get their equity out of the development.
- It was a residential development with dwellings available to buy
- There have been various difficulties in securing funding

In response to questions from Members, Officers clarified that

- The legal agreement as signed currently, including the affordable contribution would stand if the affordable housing contribution was not agreed by Members.
- It was not usual to have a sequence of events leading to a request for a reduction in the affordable housing contribution.
- Under the current s106 there is no opportunity for the council to claw any money back should the price of the units increase.
- The reduction in S106 contributions came from the affordable housing contribution because of obligations within the legal agreement.
- How the viability appraisal was approached.
- The dialogue regarding the scenario of the bank taking the site back. The information given from the bank as part of the preapplication process was that it would be developed into an aparthotel or student accommodation.
- All affordable housing could potentially be lost if an application for an aparthotel was brought back to the Committee for determination.
- The original permission stood and the Committee was considering a deed of variation.
- The extra costs for the boundary wall were included in the development costs. This was not a significant cost.
- The developer was not in full agreement of the valuers costs, including the land value. The 8% profit was based on a land value of £250k.
- Why it was not possible to have parking on the site.
- There could be an overage clause added into the S106 agreement to look at the profit made and a subsequent contribution to affordable housing.

Following debate, Cllr Ayre proposed the Officer recommendation to vary the S106 with the addition of an overage clause into the S106 agreement to look at the profit made and contribution to affordable housing. This was seconded by Cllr Fisher. Nine Members voted for the motion and two voted against. It was therefore,

Resolved: That delegated authority be granted to Officers for the S106 agreement to be varied accordingly to secure £1m in planning obligations including the affordable housing obligation be reduced accordingly; to £881,471 and for the addition of an overage clause into the S106 agreement to look at the profit made and contribution to affordable housing.

Reason:

- i. The developer can afford to provide £1m in planning obligations, although, based on the viability, developer profit is below the normal threshold. In reality the profit is lower, because of the price paid for the site. This compromise would allow for retention of the current contractor and finance to complete the scheme. Officer recommendation is to vary the s106 agreement to secure a £1m planning obligation, rather than the original £2,058,921. This is broken down as follows:
 - a) Education - £54,711 to be used at Tang Hall Primary (reconfiguration to increase capacity) & £24,987 to be used at Archbishop Holgate (extension to increase capacity)
 - b) Open space - £7,138 to be used at Monk Bridge Gardens to improve accessibility
 - c) Off-site sports provision - £19,383 to be used at Glen Gardens to improve tennis, basketball and bowling green facilities.
 - d) Car club - First occupants to be offered £200 towards membership/use (£12,400)
 - e) Affordable housing - £881,381
 - f) The total loss off affordable housing contribution would be £1,058,921
- ii. This follows the recommendation from the district valuer who has carried out an independent viability review on the scheme based on verified incurred construction costs.
- iii. The risk associated with not proceeding with the s106 variation is that the residential development scheme stalls for an unknown period of time. The banks would likely repossess the site and pursue a more profitable scheme i.e. student accommodation or an apartment type hotel (which would fit within the approved building envelope). This scenario has been confirmed by the applicant. These alternatives would not make the same contribution to local housing need and would incorporate zero affordable housing contribution.

Cllr Cullwick, Chair

[The meeting started at 7.44 pm and finished at 8.54 pm].

COMMITTEE REPORT

Date: 3rd November 2022 **Ward:** Rural West York
Team: West Area **Parish:** Upper Poppleton Parish
Council

Reference: 21/02804/FULM
Application at: Pavers Ltd Catherine House Northminster Business Park
Harwood Road Upper Poppleton
For: Extension to warehouse (B8 Use with ancillary office/welfare
space) with service yard, vehicular and cycle parking, and
landscaping
By: Pavers Holdings
Application Type: Major Full Application
Target Date: 28 November 2022

Recommendation: Refuse

1.0 PROPOSALApplication site

1.1 The application site is agricultural land, used for grazing, located beyond the west extent of the existing Pavers warehouse and the Northminster Business Park.

1.2 The business park access is from Northfield Lane. The lane also provides access to Poppleton Park and Ride, some 300m to the north. To the south-east of the site there is a pedestrian and cycle route (which passes under the outer ring road) connecting into Knapton Village and the west side of the city. On the east side of Northfield Lane are a terrace of houses, located just past the main entrance to the business park. Further south is Oakwood Business Park, which also contains industrial and warehouse units, associated car parking and vehicle storage, the latter extends to the south end of Northfield Lane.

1.3 Northminster Business Park has been in operation since 1997. It has since extended west (to accommodate Pavers) and to the south. The business park now accommodates over 45 businesses involved in commercial and industrial activities.

Draft Local Plan context

1.4 In the Publication Draft Local Plan 2018 Northminster Business Park is identified for expansion. The allocation ST19 - designated for employment land uses – is to the south of the existing business park only, expanding to Moor Lane. The application site is not within land allocated for development; it is land proposed to remain in the Green Belt.

1.5 Both the 2005 and 2018 draft Local Plans are not adopted (at this time). The application site is within identified Green Belt in both plans. The application site is regarded as being within the general extent of the Green Belt. The approach is consistent with how other applications to extend the business park have been determined.

Proposals

1.6 The proposals are to extend the Pavers shoe warehouse. Pavers have been based at the business park since 2001. The existing Pavers building was first granted permission in 2004 (reserved matters approval granted in 2005) and subsequently extended further west following planning permission 18/00565/FULM. The initial development provided some 3,980m² floor space; the extension a further 4,370m².

1.7 The proposals are for a warehouse extension to the west of the existing building providing a further 11,275m² floorspace. The scheme would include associated works including an extended servicing area (8 loading bays and turning space for HGV's), vehicle and cycle parking, and landscaping, including native tree and shrub planting at the site boundary.

1.8 Recent growth has seen expansion of Pavers' retail portfolio to over 180 stores and increases in online sales by over 700% in the last 3 years. Storage requirements are expected to double over the next 5 years. The company has already reached capacity at its Northminster Business Park base; current operations rely on off-site storage facilities. The applicant's position is that additional warehouse facilities are essential on-site; a single warehouse facility is necessary for efficient business operations.

1.9 A new distribution facility for DPD is under construction on the land to the south of the Pavers site. The facility provides 5,570m² and will be some 11m high (approved under 21/00796/FULM). This means the Pavers site is unable to expand (and remain on a single site) within the existing Northminster employment land allocation (site ST19). The economic benefits of allowing Pavers to grow are put forward by the applicants as benefits to justify development within the Green Belt.

Relevant Planning History

1.10 Northminster Business Park has been extended into the Green Belt on multiple occasions, although in each case the application site was (in the relevant draft local

plan) either reserved/safeguarded land or within the ST19 allocation. Pavers has previously been extended as follows -

- Business Park extended to accommodate Pavers shoes in 2005 (04/03805/OUT).
- Further extension for a warehouse extension to Pavers, granted on multiple occasions (07/02963/OUTM, 15/02721/FULM and 18/00565/FULM) (only the latter implemented).

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 relevant to this application comprises the Upper and Nether Poppleton Neighbourhood Plan (2017) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt.

Saved Yorkshire and Humber Regional Spatial Strategy (RSS) policies

2.3 The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York.

2.4 The environmental assessment process for the RSS abolition highlighted that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained.

2.5 The saved RSS policies are 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.

POLICY YH9C: Green Belts

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.

POLICY Y1C: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

- 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.
- Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Upper and Nether Poppleton Neighbourhood Plan (2017)

2.6 In respect of the Green Belt the plan (in 4.1.10) states the “plan continues 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) on an interim basis until such times as the emerging Local Plan is adopted. This will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy”. The application site is within ‘Reserved Land’ in the 2005 plan. Reserved Land is not allocated for development i.e. it is regarded as general extent of the Green Belt. The policy for considering proposals within the Green Belt, in the neighbourhood plan, is consistent with the NPPF.

2.7 Policy PNP 7 - Business and Employment states new business development on established business parks will be supported where car parking is provided to City of York Council standards. In respect of Northminster Business Park Section 8 – Employment developments states expansion within the curtilage of this site would be acceptable. Further expansion would compromise the green belt.

NPPF

2.8 Key sections of the NPPF are as follows –

- 4. Decision-making
- 6. Building a strong competitive economy
- 13. Protecting Green Belt land

The Publication Draft City of York Local Plan 2018 (2018 eLP)

2.9 Key relevant Publication Draft Local Plan 2018 Policies (in respect of the principle of development) 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

2.10 The Green Belt Topic Paper 1 Approach to defining York's Green Belt addendum 2021 is the evidence base that underpins the proposed Green Belt boundaries in the 2018 eLP and is relevant to consideration of the proposals and the impacts on the Green Belt.

3.0 CONSULTATIONS

Carbon Reduction Team

3.1 In this instance consider a BREEAM Score of 'Very Good' acceptable given the justification provided within the BREEAM Pre-assessment and given the nature of a development of this type.

3.2 No comments or anticipations have been provided surrounding Policy CC1 relating to the achievement of a 28% reduction in carbon emissions. Energy/sustainability statements have not been provided at this stage. If

Economic Growth Team

3.3 Support the application. Comments are based around economic growth only, as the team are aware that this application is to develop on agricultural land in the Green Belt, and not on designated employment land as per the draft Local Plan.

3.4 Pavers Shoes is a home-grown business, established in York by the family 50 years ago. The company has gone from strength to strength and now trades on a global scale, whilst retaining roots firmly in the City.

3.5 The application proposes a large extension to the existing infrastructure, totalling 120,000ft² and creation of 100 new jobs. The site is well situated, near to the major road network, Poppleton Bar Park and Ride and York's cycle network, allowing ease of access for goods and labour.

3.6 The availability of suitable employment space is vital to ensuring that York remains a great place to do business. Both anecdotal evidence through business engagement and recent office/industrial availability data provided by Co-Star demonstrates a strong demand for business accommodation across York, especially industrial units as they infrequently come onto the market for either rent or purchase.

Flood Risk Management Team

3.7 Officers agree with the Ainsty drainage board comments; that surface water discharge from the site should be 3 l/sec as agreed previously for the site (reference application 18/00565/FULM). The foul pumping station requires a maximum

discharge rate of 2l/sec. Swales are proposed as part of the surface water drainage strategy. There are no details of the swale's capacity. To enable maintenance of the swales, tree planting (contrary to as shown on the plans) would not be permitted within such areas. The drawings show the swales in the same location of the planting proposed to screen the site.

Highway Network Management

3.8 Officers raised the following issues – the bin store and collection point should be within the site / cycle parking needs to be covered / the main entrance to the business park should be wide enough to allow HGV's to pass.

Local Plans Team

3.9 The site falls within the general extent of the Green Belt as defined by RSS. On the basis of analysis of the very special circumstances put forward by the applicant officers raise a policy objection to the principle of development in this green belt location. Development in this location would be detrimental to the openness of the green belt and its purposes.

3.10 The application site has been considered through the Local Plan development plan process, as part of a larger site, as follows: Site 689, Site 764, Site 793 with the latter two submitted at preferred options stage 2013. Site 793 was proposed as safeguarded land in the Further Sites Consultation (2014). However, the preferred sites consultation 2016 removed all safeguarded land from the plan, instead the plan identifies sufficient land, including land for flexibility, to accommodate York's development needs across the plan period, 2012-2032 and beyond to 2037 to provide green belt permanence. Allocations are justified in meeting development needs over the plan period, with additional provision; to allow for flexibility in choice of premises, the loss of existing outdated buildings as well as a 5% vacancy factor and additional 2-year land supply to allow time for developments to complete.

3.11 This approach was joined up with further technical officer consideration of the adjoining land at ST19 which analysed employment demand through the Employment Land Review and proposed that a 15ha site for up to 60,000sqm of B1C/B2/B8 floorspace be allocated to the south of the existing Northminster Business Park.

3.12 A full assessment of the Green Belt boundary in relation to the application site is presented in Annex 4 to the Green Belt Topic Paper Addendum [local plan examination document EX/CYC/59f].

3.13 Northminster Business Park is allocated in the emerging Local Plan as a strategic employment site (ST19). Annex 4 of the Green Belt Topic Paper Addendum proposes Northminster Business Park be inset from the Green Belt Boundary. This annex details that the (existing) densely developed area of Northminster Business Park does

not contribute to the openness of the Green Belt and is therefore inset within the Green Belt. It also states that to deliver “long term permanence for the York Green Belt it has been determined that there is potential for an expansion of the business park to the south” in-line with the settlement pattern.

3.14 In allocating the land to the south as part of site ST29 the Green Belt appraisal identifies an increased importance to keep the land to the west (i.e. the application site) permanently open.

Features of the western boundary are described as:

- follows the extent of the 20th century development before following historic field boundaries to Moor Lane;
- is recognisable and is easily determined on OS maps and on the ground;
- offers permanence.

3.15 In defining the boundary of the expanded Northminster Business Park (ST19), the assessment of Green Belt has been prepared in order to mitigate the potential harm of the Green Belt and as such it is said of the western boundary, where the application site lies, that it will have an increased importance to remain permanently open.

Public Protection

3.16 Land contamination – a desk-based assessment recommending site investigation has been issued. Investigation and a remediation strategy should be secured through condition.

3.17 Construction management – measures to minimise noise, dust and vibration during construction requested.

3.18 Noise – the assessment is unclear as to possible effects of vehicle movements at night-time (23.00 to 07.00). Clarification is requested.

3.19 Electric Vehicle facilities – recommend provision of six EV charging points. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles.

Design, Conservation, and Sustainable Development - Archaeology

3.20 Based on-site investigation (at this site and the site to the south) a limited programme of trial trenching is requested to complete site evaluation. This could be secured through planning condition.

Design, Conservation, and Sustainable Development - Ecology

3.21 Great Crested Newts - There are multiple ponds and ditches within 500m of the application site. These areas have now been subject to survey work (by the applicant under application 22/01555/FULM) which concluded a negative

3.22 Nesting Birds - the application site offers suitable habitat for nesting birds. Precautionary methods to ensure active nests are not destroyed during any vegetation clearance or tree works are required. This can be dealt with through condition.

3.23 Bats - The existing boundary vegetation has the potential to be used by light sensitive species, such as bats. Although a lighting plan has been provided, the plan indicates that the light levels on and through the new linear planting will be high enough to act as a deterrent to such species. Recommendations on suitable lighting have been made in the applicant's ecological impact assessment. It is recommended that the applicant continues to work with a consultant ecologist to ensure an appropriate lighting scheme can be provided.

3.24 Biodiversity Net Gain - Through the provision of native planting, as shown with detailed planting plan 21102-TLP-400, it is considered that the proposed development can achieve a Biodiversity Net Gain in-line with the National Planning Policy Framework. A condition to secure such is recommended.

Design, Conservation, and Sustainable Development - Landscape

3.25 Officers advise that the proposed development would have a significant effect on landscape character, from a component of an open agricultural landscape, to a built industrial landscape. The development would have a negative influence on the adjacent landscape character since it would interrupt the line of open fields to the east of Burlands Lane which are directly linked with the wider arable landscape to the west of the city.

3.26 To the west of the existing business park is an expansive network of fields that form part of the rural context of the city, especially as seen on the A59 approach – a major arterial route into the city; and also experienced from Moor Lane, a recreational route connecting Knapton with Harewood Whin and Rufforth.

3.27 Due to the scale and direction (expanding west) of the proposed development, it would reduce the compactness of the existing business park and increase the extent of peripheral development around the edge of the city outside of the ring road. Development would impact on the compactness of the city (compactness being a key component of the historic character and setting of the city as identified in the Heritage Topic Paper and the Green Belt Topic Paper 2021).

3.28 In respect of the landscape and visual impacts officers also refer to the notably long straight lines of vegetation (which are existing / proposed to screen the business park); that the proposed extension does not adhere to existing field boundaries; that proposed boundary treatment would take some 15 years to fully establish, although in the winter months the business park would be visible from surrounding roads and footpaths; and the landscape impacts of the external lighting.

EXTERNAL

Ainsty Internal Drainage Board

3.29 Advice on standard drainage requirements provided.

3.30 Surface water drainage - The previous application for the Pavers site proposed that the existing pumping capacity of 5 litres per second was sustained. As 5 litres per second appears to be the existing maximum flow constraint of the existing system, the 12.9 litres per second proposed in this application would not be supported by the Board.

3.31 Foul drainage - The Board notes that the applicant is proposing to use an existing foul water pump manhole for the disposal of foul sewage. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.

Yorkshire Water

3.32 Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design.

3.33 Surface water discharge – if discharge to the public sewer is proposed it must be evidenced that infiltration or via a watercourse are not practical. There is a watercourse remote from the site. Connection into such has been discounted due to 3rd party land ownership – Yorkshire Water consider permission must be sought. Yorkshire Water do not agree to the proposed discharge rate of 12.9 l/sec. There are inadequate details on surface water management.

Rufforth with Knapton Parish Council

3.34 Object and make the following comments -

- The site is not in the parish

- The site is Green Belt and the proposed development is significant in size. The Parish Council objected to the extent of extension to the business park proposed in the Publication Draft Local Plan 2018 (2018 eLP).
- The objective of the Local Plan is to plan development in a managed and balanced way and to protect the Green Belt around the historic City of York. Approval of this proposal would create a precedent for an unmanaged sprawl of the business park (as the land is not proposed for development in the 2018 eLP).
- Development on the proposed site would have a significant adverse effect on the openness of the Green belt and specifically on views from the Rufforth to Knapton cycle path, a facility much used and enjoyed by residents of our Parish and the wider York area.

Upper Poppleton Parish Council

3.35 Object as the development is contrary to the Poppleton Neighbourhood Plan. Support the representations from local residents especially regarding highways safety issues.

4.0 REPRESENTATIONS

Make It York

4.1 Support the application

- The applicant is a major local employer
- Expansion will be good for the local economy
- Welcome the applicant's ambitious growth targets, committing to both online and physical retailing

Cllr Hook

4.2 The expansion is into good agricultural land and will create an odd shape, which, should a precedent be set by approving this proposal, will soon attract further applications from elsewhere to "square it off" resulting in continuing expansion of the business park and erosion of the Green Belt, contrary to the Local Plan when it comes into force.

4.3 Northfield Lane is a cul-de-sac with 9 residential properties and a great deal of pedestrian and cycle traffic, making use of the cycle/footpath from Knapton to Rufforth. This pedestrian and cycle traffic will grow when the new Community Woodland is established, because visitors will be encouraged to use sustainable transport options to reach the area. Such vulnerable traffic does not mix well with large heavy goods vehicles (or any form of motorised transport) able to move at 60 mph. This poses a real danger, which should not be allowed to get worse.

Further representations

4.4 Two objections from residents in Northfield Lane and one general comment advise as follows -

Light pollution

Concerns of impacts. Noted that there is a high level of light pollution from the existing Pavers Unit. The Park & Ride site has a controlled effect from its lighting – the applicant should also be able to cause similar effect.

Scale of development

Excessive growth of the business park and adverse effect on the Green Belt.

The 2016-2036 Poppleton Neighbourhood Plan does not support any development outside the current curtilage of the business park. 91% of the village neighbours who voted supported the details and constraints in this plan. If the boundaries are extended here, then effectively there will no longer be boundaries.

Traffic generation

Northfield Lane is already congested and not designed to accommodate the number of HGV vehicles associated. Discouraging for pedestrians and cyclists.

Quality of agricultural land

Loss of Grade A land. (DEFRA 2002)

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues regarding this scheme are -

- Application of Green Belt policy
- Economic benefits
- Highway Network Management
- Ecology / biodiversity
- Sustainable design and construction
- Drainage
- Public protection matters
- Consideration of very special circumstances

Application of Green Belt policy

5.2 The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York.

5.3 The environmental assessment process for the RSS abolition highlighted that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained.

5.4 The saved RSS policy Y1C: York sub area policy advises that “plans, strategies, investment decisions and programmes for the York sub area should:

- 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.
- Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas”.

5.5 The *Wedgewood v City of York Council* Judgment, March 2020 is a material consideration in respect of the approach to decision making in the general extent of the Green Belt. The case decided that in the absence of a defining Local Development Plan that specifies what is and is not Green Belt, ... (the Council) must apply the high-level policy rationally in order to determine what land within the inner and outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to –

- The 2005 Draft Local Plan incorporating the full set of changes
- The emerging Local Plan, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treating the site as Green Belt or not.

5.6 Applying *Wedgewood* only strengthens the position the site be regarded as within the Green Belt.

5.7 The application site lies within the reserved/safeguarded land identified in 2005 Draft Local Plan policy GP24a. The background text to the policy advised “it is important to recognise that Reserved Land is not allocated for development at the present time but will be brought forward with a review of the plan”.

5.8 In the emerging plan (2018 eLP) the application site is within the Green Belt. In allocating the land to the south as part of site ST29 the Green Belt appraisal identifies an increased importance to keep the land to the west (i.e. the application site) permanently open.

5.9 Features of the proposed western boundary are described as:

- The boundary follows the extent of the 20th century development before following historic field boundaries to Moor Lane.

- The boundary is recognisable and is easily determined on OS maps and on the ground.
- The boundary offers permanence.

5.10 The existing business park has a strong sense of enclosure. The application site is to the west. It contains agricultural land not previously developed. The site has a rural character, evidentially beyond the demise of Northminster Business Park. Given the land use, openness and agricultural character of the surrounding area the application site is evidentially rural and forms part of the countryside.

5.11 The site is regarded as within the general extent of the Green Belt. NPPF Green Belt policies therefore apply. The tilted balance in favour of sustainable development (in NPPF paragraph 11) will not be engaged if the proposal conflicts with the application of Green Belt policy.

5.12 NPPF paragraphs 149 and 150 identify development which can be appropriate in the Green Belt. Other development is inappropriate, which is harmful by definition and should not be approved except in very special circumstances. The proposed development does not fall into any of the exceptions in paragraphs 149 and 150. It is inappropriate development in the Green Belt. NPPF paragraphs 147 and 148 therefore apply –

- That “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.
- That “substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

5.13 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.

Openness

5.14 The Urban Design & Conservation Landscape Architect officer comments in section 3 advise on the landscape and visual effects of the proposed development and the adverse effect on the openness Green Belt that would result. Key impacts are as follows –

- Landscape character change from a component of an open agricultural landscape, to a built industrial landscape. Change in character is derived from the building proposed, ancillary servicing and parking areas, site lighting and associated traffic generation. The light pollution and activity associated with the operation will have a constant and permanent effect as the use is a 24-hour operation.
- Development would interrupt the expansive network of open fields to the east of Burlands Lane which are directly linked with the wider arable landscape to the west of the city.
- The landscape forms part of the rural context of the city, especially as seen on the A59 approach – a major arterial route into the city; and also experienced from Moor Lane, a recreational route connecting Knapton with Harewood Whin and Rufforth. Burlands Lane is less frequented than the other two key viewpoints, but the impact on views would be more direct due to the closer proximity.
- Proposed boundary screening comprises of long straight lines of trees/vegetation; this effects openness compared to the prevalent character of agricultural fields bounded by lower hedgerows with intervening trees.
- Boundary screening would take some 15 years to establish. However even when fully established there would still be a visual and experiential awareness of the change in land use and its extension into the open countryside, particularly for the 5 months of the year when leaf cover is reduced.

Five Green Belt purposes

5.15 Policy SS2 of the 2018 eLP states the primary purposes of the Green Belt are to safeguard the setting and the special character of York and to delivering the Local Plan Spatial Strategy.

5.16 The Topic Paper 1 Approach to defining York's Green Belt addendum 2021 provides further clarification of the methodology informing the proposed Green Belt boundaries for York. It identifies Strategic Principles which informed the detailed boundary setting and the site assessment and selection processes. Most relevant to the application site are -

- SP4 - The starting point for scoping the detailed inner boundary should be the edge of the main contiguous urban area of York where built development meets more open land.
- SP7 – Relates to compactness and landscape character and setting which are relevant to the historic character and setting of the city.
- SP9 – Outside the clusters of built development analysis has shown that the whole of the authority area is of an open agricultural countryside nature with open views across the flat open landscape and therefore relevant to the consideration of protecting the countryside form encroachment, subject to the overall consideration of strategic principles.

- SP11 - Where new sites for development are identified these should be those which cause the least harm to the primary purpose of the York Green Belt and have regard to sustainability objectives expressed through the local plan strategy.
- SP13 - Detailed boundaries will be defined clearly, using physical features that are readily recognisable and likely to be permanent.

5.17 The boundaries for Northminster Business Park are reviewed in Annex 4 of the Topic Paper. The appraisal determines that an extension on the south side of the business park can be accommodated. It concluded against an extension to the west, including the land on which the application site is located, and that this land remain as Green Belt. The key reasons for this conclusion were as follows –

- Openness to the north and west of the business park is important in respect of compactness and the rural setting of the city. The Green Belt boundary is drawn to contain the scale of the existing business park, maintain the rural setting and open approach into the city along the A59. Also to maintain independence, separation, and prevent coalescence between the business park, the Park & Ride and the village of Poppleton.
- The north and west boundaries are important in respect of safeguarding the countryside from encroachment.
- An extension to the west (and the extension proposed in this application) would fail to be defined clearly, not using physical features that are readily recognisable and likely to be permanent.

5.18 The identified expansion of the business park to the south was on the basis that the resultant boundaries would be considerably more recognisable (both on OS maps and on the ground) and permanent and would have a lower impact on the compactness and rural setting of the city. It is of note also that openness of the land to the south has already been effected by development; the DPD site (where development has commenced) and three substantial agricultural/industrial buildings. The visual impact of the latter buildings is illustrated in the LVIA appendix 3 – visualisations view 3.

5.19 For the reasons above the 2018 eLP evidence base determined that the land the subject of this application, taking into account the methodology in the topic paper, continue to be designated as Green Belt. This evidence base is directly relevant to the application; and allows a conclusion to be drawn that the proposed development would be in conflict with the following three Green Belt purposes –

- to check the unrestricted sprawl of large built-up areas.
- to assist in safeguarding the countryside from encroachment.
- to preserve the setting and special character of historic towns.

5.20 The two purposes not affected are to prevent neighbouring towns merging into one another; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. In respect of these Green Belt purposes there would be no threat of separate towns merging (the merging of surrounding villages and the main urban area is considered under purpose 4) and the 2018 eLP acknowledges that the development needs of the city will require Green Belt land.

5.21 The identified harm to the Green Belt is therefore as follows –

- Inappropriate development, which is harmful by definition.
- Harm to openness.
- Contrary to three of the five Green Belt purposes.

5.22 In order for the proposals to be NPPF compliant, paragraph 148 advises ‘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.

Economic benefits

5.23 The applicant’s case for the scheme is as follows -

- The Company employs over 1,700 people nationwide, including 270 employees based at Northminster Business Park and more than 20 staff at Pavers’ two stores in York. The Company is expected to have an annual turnover of £200m in 2022 and is planning for a turnover of £350m by 2028.
- Recent growth has seen expansion of its retail portfolio to over 180 stores and increases in online sales by over 700% in the last 3 years. Pavers’ storage requirements are expected to double over the next 5 years. The Company has already reached capacity at its Northminster Business Park base, with current operations having to rely on off-site storage facilities. It has an essential need for additional accommodation on site.
- Planning permission (21/00796/FULM) has recently been granted for a new distribution facility for the DPD Group on land to the south of the Pavers premises. This means the Pavers site is unable to expand (and remain on a single site) within the existing Northminster employment land allocation (ST19) in the publication draft Local Plan.

Business and operational needs

- Need for the development arising from the continued growth of a key York business.

- The need to connect with complex linear automation processes at the existing warehouse and lack of suitable alternative (single) site that is on land currently proposed for employment allocation in the emerging Local Plan.
- Landscape and visual effects of the proposed development can be mitigated.

Economic benefits

- Supporting local businesses and growth in the wider York economy.
- Directly creating 100 jobs in the local economy.
- Directly contributing to economic growth during the construction phase.
- Unlocking potential for future expansion of Pavers' offices within the Business Park, leading to further job creation and economic growth.

5.24 The applicant's storage requirements have increased due to business growth but also wider economic issues, regarding shipping and growth of internet sales, which mean that more storage space is required. Providing further storage capacity will allow the business to be more efficient and would reduce traffic movements, compared to the current arrangement where goods need to be moved between satellite warehouses (currently some 250,000 pairs of shoes are stored off-site. This represents 'dead stock' unavailable for sale until it is transported to the headquarters for picking. This is neither economically or environmentally sustainable in terms of road transportation and temporary hire of offsite facilities and (the applicants advise) represents a cost of over £250,000 per year to the business).

5.25 The previous extension cost some £10m and includes bespoke automation systems. Expanding the existing warehouse is more practical and cost efficient compared to relocating the entire operation to new premises. If the business were to relocate, the applicants advise this would likely be in the form of other distribution centres nationwide, however the preference is for the business to remain in York.

Highway Network Management

5.26 The NPPF states that in assessing applications it should be ensured that:

- Opportunities to promote sustainable transport included where appropriate.
- 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.

5.27 The NPPF 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.

Impact on the network

5.28 The proposed development would, according to the applicant's documentation, create an additional 100 staff employees, resulting in a total number of 370 staff. The increase will equate to an additional 60 office staff and an additional 40 warehouse staff.

5.29 The applicants advise that many of the warehouse staff will arrive / depart outside of the established network peak hours.

5.30 The Transport Assessment includes traffic survey data which concludes the existing development has some 75 vehicles entering the site at the am peak. A further 33 are anticipated as a consequence of the proposed development. The travel survey (54% staff surveyed in December 2021) found that 78% staff travel by car alone.

5.31 HGV movements are currently 5-6 during the peak hours. It is expected the increase in HGV movements will be spaced over the day. In relation to HGV movements the applicants Vision Statement document notes that business growth has resulted in excess of 1,500 pallets of shoes being stored in off-site storage which are then transported to / from the site for picking and distribution. Pallet storage off-site results in additional trips currently travelling to other storage sites and back to the development site which is an inefficient system both economically and environmentally.

5.32 The applicant's Transport Assessment (TA) reviews impact on A59 junction (taking into account committed development with a base year of 2026). The outputs show a degree of saturation at no more than 80%. This illustrates the junction will not exceed capacity. Highway Network Management have raised no issues in respect of traffic generation and impact on the network.

Parking facilities

Cycle storage

5.33 The proposals include 50 cycle parking spaces in addition to the existing spaces on-site (20 quoted in the TA).

5.34 Local parking standards are contained in the 2005 Draft Local Plan. Cycle parking standards require a minimum of 1:300 for B8 & 1:60 for offices. Minimums in LTN1/20 differ and are 1:500 & 1:200 respectively.

Comparisons of cycle parking requirements

	CYC	LTN 1/20
Warehouse	61	36
Office (existing)	18	5
Total	79	41

Proposed	70	
-----------------	-----------	--

Car parking

5.35 The proposed layout shows car parking as follows –

110 spaces opposite the proposed extension
 50 spaces opposite the existing warehouse
 38 spaces in front of the building

Total 198 spaces

5.36 There is also an overspill car park not shown on the plan. The current application for the office extension (22/01555/FULM) shows the existing 38 spaces in front of the building replaced with a scheme providing 30 spaces and a further 52 spaces in the proposed south car park. Both schemes therefore show 242 spaces in total.

5.37 Local car parking standards are contained in the 2005 Draft Local Plan. These state parking should be provided at a ratio of 1 space per 300m² for B8 (storage/distribution) and 1 per 30m² for the office element (assuming the site is classed as outside the built-up area, otherwise 1 per 45m²).

5.38 The local standards would equate to the following maximum number of car parking spaces –

Site with warehouse extension	85 (98 if 1 space per 30m²)
Site with warehouse and office extensions	132 (167)
Proposed	198

5.39 The strategic policy in the 2018 eLP for Northminster Business Park expansion establishes key principles of a sustainable business park, the promotion of sustainable transport solutions. The Transport Assessment included with this application advises 78% staff travel to work by car alone. The Travel Plan targets a reduction to 70%. Highway Network Management advise that 2019 survey data they hold had 61% staff travelling by car alone. The application advises the extension would lead to 60 further FTE jobs in the warehouse.

5.40 The NPPF in paragraph 110 states it should be ensured appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. This does not appear to be the case in this application given the combination of the excessive amount of car parking proposed and the lack of aspiration in the Travel Plan for promoting sustainable travel, in the context of a trend for an increase in staff commuting by car alone.

5.41 The scheme illustrates 6 EV charging points and 6 disabled parking bays. Proposed are 198 car parking spaces; in excess of 5% car parking would have EV charging and in excess of 5% parking would be accessible.

Ecology / biodiversity

5.42 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on, and providing net gains for, biodiversity and recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Biodiversity Net Gain

5.43 The applicants have supplied a detailed planting plan, that the Council's ecologist considers would deliver biodiversity net gain. However, this planting is on land proposed in the drainage strategy for swales; there is a conflict in this respect as the land cannot accommodate both landscaping and drainage. There is also the issue (set out in the protected species paragraph below) that light pollution could affect bats.

Loss of agricultural land

5.44 The application site comprises of what may be regarded Best and Most Versatile Land. The Natural England Maps are general and region wide. The mapping provides an estimate of land quality and are clear in advising that more detailed surveys are required for site specific assessments.

5.45 Natural England are a consultee where the loss of 20ha or Best and Most Versatile Land and where proposals are not in accordance with an approved development plan. They are not therefore a consultee in this instance.

5.46 Natural England Yorkshire & Humber Agricultural Land Classification Maps estimate the land as Grade 2 - Very good.

5.47 There is no specific policy in the neighbourhood plan or the 2018 eLP that prevent the development of land of a specific agricultural quality. It is noted ST19 is on land of similar agricultural quality and such land is widespread around the city. The loss of agricultural land is not considered a reason to oppose the scheme.

Protected species

5.48 Great Crested Newts – No adverse effect would occur. There is one pond within 300m of the site, which scored 0.51, classifying it as 'below average' quality for GCN using Habitat Suitability Index (HSI). The pond appears to be managed for wildfowl,

reducing the value for amphibians. An eDNA test for Great Crested Newts returned a negative result.

5.49 Bats – Mitigation is considered necessary to avoid loss of potential foraging habitat for bats. The existing boundary vegetation has the potential to be used by light sensitive species, such as bats. The lighting plan provided indicates that the light levels on and through the new linear planting will be high enough to act as a deterrent to such species. There would be some loss of existing hedge (to accommodate the extension westward) leading to loss of potential foraging habitats for bats. The applicants Ecological Impact Assessment recommends mitigation and should permission be granted, it could be subject to a condition seeking to reasonably minimise light pollution.

Sustainable design and construction

5.50 Policies CC1 and CC2 of the 2018 eLP establish the following requirements in respect of sustainable design and construction –

- 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.
- CC2 - All new non-residential buildings (with a total internal floor area of 100m² or greater) should achieve BREEAM 'Excellent' (or equivalent).

5.51 A BREEAM pre-assessment report has been undertaken (related to new construction of commercial / industrial buildings). The assessment concludes that only a very good rating is practical given the type of warehouse type building proposed. This position has been verified by the Council's Carbon Reduction team as reasonable and it is noted very good was also accepted for the DPD scheme (to the south of the site) which is for a comparable building typology. BREEAM and the required reduction in carbon emissions could be secured through planning conditions.

Drainage

5.52 Policy ENV5 of the 2018 eLP sets sustainable drainage requirements. In terms of surface water run-off, it requires the following, unless it is agreed such rates are not reasonably practical –

- Previously developed sites – 70% of existing run-off rates.
- New development on greenfield sites – run off rate shall be no higher than the existing rate prior to development taking place.

5.53 The surface water run-off rate for the site was established as 5 l/sec in previous application to extend the site (18/00565/FULM). The site drainage would be updated if the extension were to be implemented. Because part of the site is already

developed and part Greenfield officers have requested a surface water run-off rate of 3 l/sec, for the entire site. Evidence the pumping station (where surface water is discharged) can accommodate such is required.

5.54 The drainage scheme for the previous extension included an attenuation tank which will need to be removed to accommodate the proposed extension. The updated strategy includes a new attenuation tank and swales to accommodate surface water. The strategy is not workable presently because the proposed swales are at the site boundary where landscaping is proposed. The two land uses are not compatible; swales need to be free from vegetation to continuously provide storage.

Public protection

5.55 Section 15 of the NPPF, regarding the natural environment advises that planning decisions should contribute to the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 186 states opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 states decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

Land contamination

5.56 A desk-based assessment recommending site investigation has been issued. Investigation and a remediation strategy should be secured through condition.

Air quality

5.57 In respect of Electric Charging facilities the local guidance - draft Low Emission Planning Guidance requires a minimum of 5% of all parking spaces (or 1 space, whichever is greater) to be provided with EV charge points – this exceeds minimum requirements for active EV charge point provision as set out in the Building Regulations Approved Document S (non-residential buildings under the regulations only need to provide 1 'active' space if over 10 spaces are proposed). Passive provision is now dealt with under the Building Regulations. A condition is necessary to secure the active provision; the 6 EV points as shown on the proposed site layout.

5.58 The site is not in an existing area of air quality concern. Taking into account 2018 eLP policy ENV2: Managing Environmental Quality and the proposals for parking and highways impact, Public Protection Officers have not required a further air quality assessment.

Noise

5.59 There are houses opposite the main entrance to the business park. Public Protection officers advise the applicant's noise assessment was unclear in respect of noise from HGV vehicles during the night-time period.

5.60 The noise assessment for the storage and distribution site to the south of Pavers (for DPD under approved application 21/00796/FULM) undertook a specific assessment of HGV delivery noise. The assessment determined –

- Most significant noise impact will occur from HGVs entering and exiting the wider Northminster Business Park site and transiting through the business park. This is in addition to stopping and restarting vehicles at the loading bays, any external manoeuvring, and the loading and unloading of vehicles.
- HGV noise will be similar in character to the existing road noise which pervades the site, any reversing alarms could be considered just perceptible at the NSRs in terms of tonality, so a 2dB penalty from 'just perceptible tonality' has also been included.
- The predicted change in ambient noise, from all sources of vehicle noise assessed cumulatively during the night-time, is a maximum of 1.7dB. On this basis the cumulative noise contributions are considered to be below the LOAEL and 'Not Significant' with the outcome requiring no further adjustment or additional mitigation (the impact was lower during the daytime).

5.61 For Pavers, HGV movements would be spaced over the day and consolidating the operation to a single site would mean deliveries from other storage sites (to this site) would no longer be required. However there is no cumulative impact assessment taking into consideration the extra HGV movements associated with the increased scale of the Pavers site. The stopping and restarting of vehicles may also be affected due to proposals for extra security at the main entrance to the business park (planning permission for a security cabin by the entrance gate was considered at Planning Committee B on 1.9.2022).

Consideration of very special circumstances

5.62 NPPF paragraph 148 states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

5.63 The identified harm is as follows -

Green Belt

- Inappropriate development which is, by definition, harmful.
- Harm to openness.

- Harm to 3 of the 5 Green Belt purposes.

Other identified harm

- The drainage design is unresolved in respect of the agreed run-off rates and how on-site attenuation (in respect of swales) would be accommodated (in addition to tree cover and biodiversity net gain). That drainage is unresolved is contrary to NPPF paragraph 169 and eLP policy ENV5: Sustainable Drainage.
- Due to the conflict between drainage and landscape proposals the scheme is not evidentially in compliance with NPPF paragraph 174d and Publication Draft Local Plan 2018 policies D2: Landscape and Setting and GI2: Biodiversity and Access to Nature (in respect of landscape and visual impact and biodiversity net gain).
- Sustainable travel promotion is lacking, in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel. To this extent the proposals are contrary to NPPF paragraphs 107-113 and 2018 eLP policies SS1 and T1)
- Proposed lighting strategy would lead to loss of potential foraging habitat for bats (contrary to NPPF 179).
- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance.

6.0 CONCLUSION

6.1 The proposals are for a warehouse extension of significant scale (11,275sqm floorspace) which is over double the size of the existing premises, along with associated car parking on what is currently open agricultural land within the general extent of the Green Belt.

6.2 The land is proposed to remain Green Belt in the emerging local plan which is currently at examination.

6.3 The applicants have provided a business case demonstrating the benefits of the existing premises being able to expand, allowing growth and increased efficiency of the business. The expansion of the existing site can only take place on Green Belt land.

6.4 Policy requires substantial weight to be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

6.5 The identified harm is as follows -

Green Belt

- Inappropriate development which is, by definition, harmful.
- Harm to openness.

- Harm to 3 of the 5 Green Belt purposes.

Other identified harm

- The drainage design is unresolved in respect of the agreed run-off rates and how on-site attenuation (in respect of swales) would be accommodated.
- Due to the conflict between drainage and landscape proposals the scheme does not evidentially provide space for a drainage solution and the landscaping proposed. The landscaping is proposed by the applicants to mitigate landscape and visual impacts and to deliver biodiversity net gain.
- Sustainable travel promotion is lacking in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel.
- Proposed lighting strategy would lead to loss of potential foraging habitat for bats.
- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance.

6.6 Officers recommendation is that the reasons for the scheme and the economic benefits proposed do not amount to Very Special Circumstances that clearly outweigh the identified harm to the Green Belt along with the other identified harm. To this effect the scheme is in conflict with policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan in addition to NPPF Green Belt policy.

7.0 RECOMMENDATION:

1 The proposal by reason of its location within the Green Belt would constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework (NPPF). Inappropriate development is by definition harmful to the Green Belt. The proposal would result in a detrimental impact on openness of the Green Belt and conflict with three of the Green Belt's purposes, as identified in NPPF paragraph 134.

Other identified harm has been identified as follows -

- The drainage scheme and how the proposed landscaping can be accommodated (landscaping is proposed to provide mitigation in respect of landscape and visual impact and to achieve biodiversity net gain) are unresolved. As such the scheme is not evidentially in compliance with NPPF paragraphs 169 and 174d and Publication Draft Local Plan 2018 policies ENV5: Sustainable Drainage, D2: Landscape and Setting and GI2: Biodiversity and Access to Nature.
- Sustainable travel promotion is lacking, in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel. To this extent the proposals are not in compliance with NPPF paragraphs 107-113 and Publication Draft Local Plan 2018 policies SS1:

Delivering Sustainable Growth for York and T1: Sustainable Access).

- The proposed lighting strategy would lead to loss of potential foraging habitat for bats, contrary to NPPF paragraph 179.
- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance, contrary to NPPF 185a.

The site is not one which has been identified for development in the Publication Draft Local Plan 2018 (which is at examination stage). The Local Plan process did consider the site for development and determined it was necessary to remain in the Green Belt, taking into account the spatial strategy for delivering sustainable growth for York.

The benefits put forward by the applicant do not, either individually or cumulatively, clearly outweigh the totality of the harms identified above and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the NPPF, in particular section 13 'Protecting Green Belt land', policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan and policies SS1, SS2: The Role of York's Green Belt and GB1: Development in the Green Belt of the Publication Draft Local Plan 2018.

8.0 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. However, the principle of development was not acceptable resulting in planning permission being refused for the reasons stated.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323

21/02804/FULM - Pavers Ltd, Catherine House,
 Northminster Business Park, Harwood Road, Upper Poppleton, YO26 6QU



Scale : 1:3427

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	18 October 2022
SLA Number	Not Set

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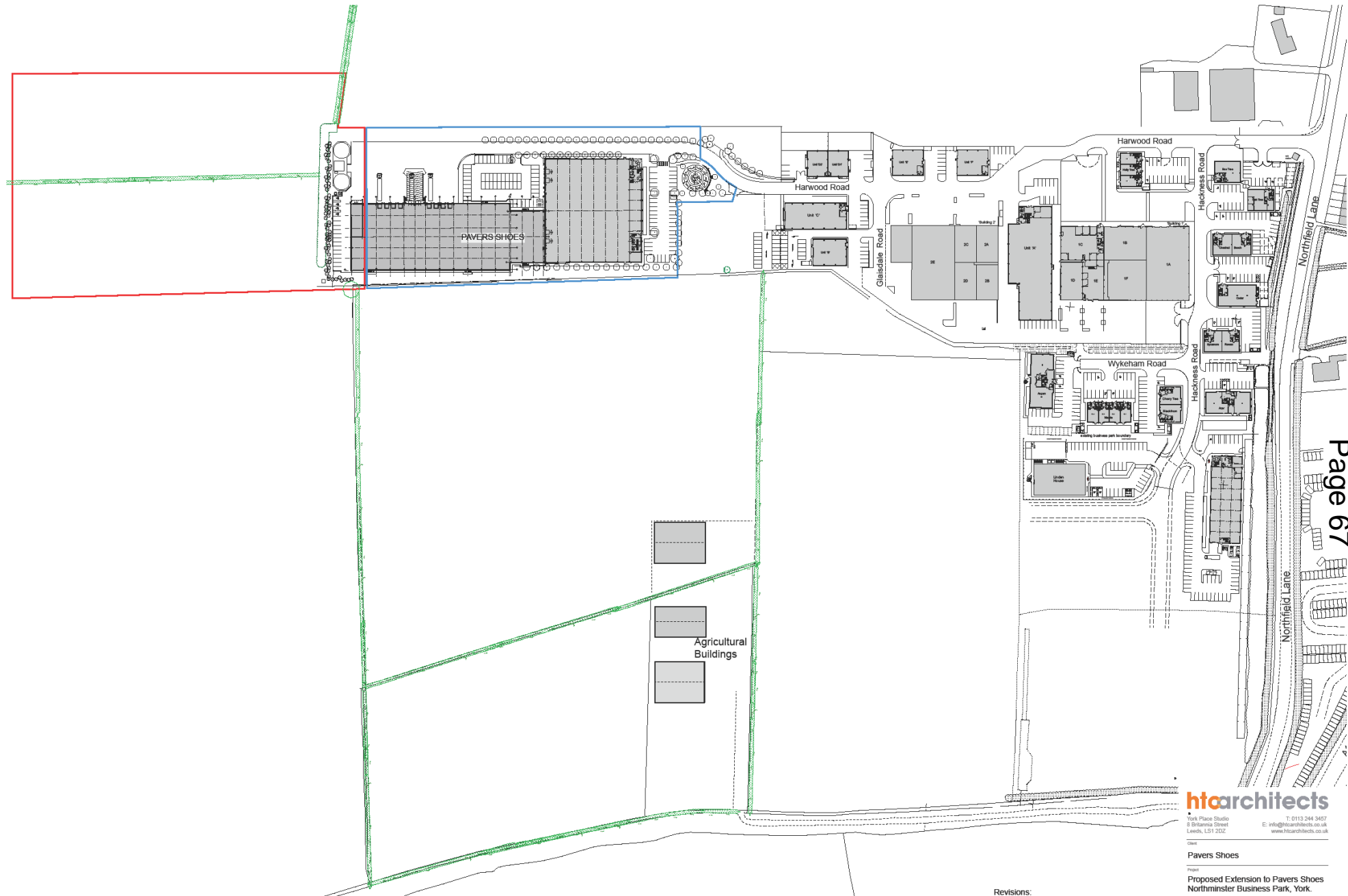
Planning Committee A

To be held on Thursday 3rd November 2022

21/02804/FULM - Pavers Ltd, Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York.

Extension to warehouse (B8 Use with ancillary office/welfare space) with service yard, vehicular and cycle parking, and landscaping

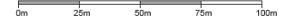
Site Location Plan



City of York Council Planning Committee Meeting - 3rd November 2022

Revisions:

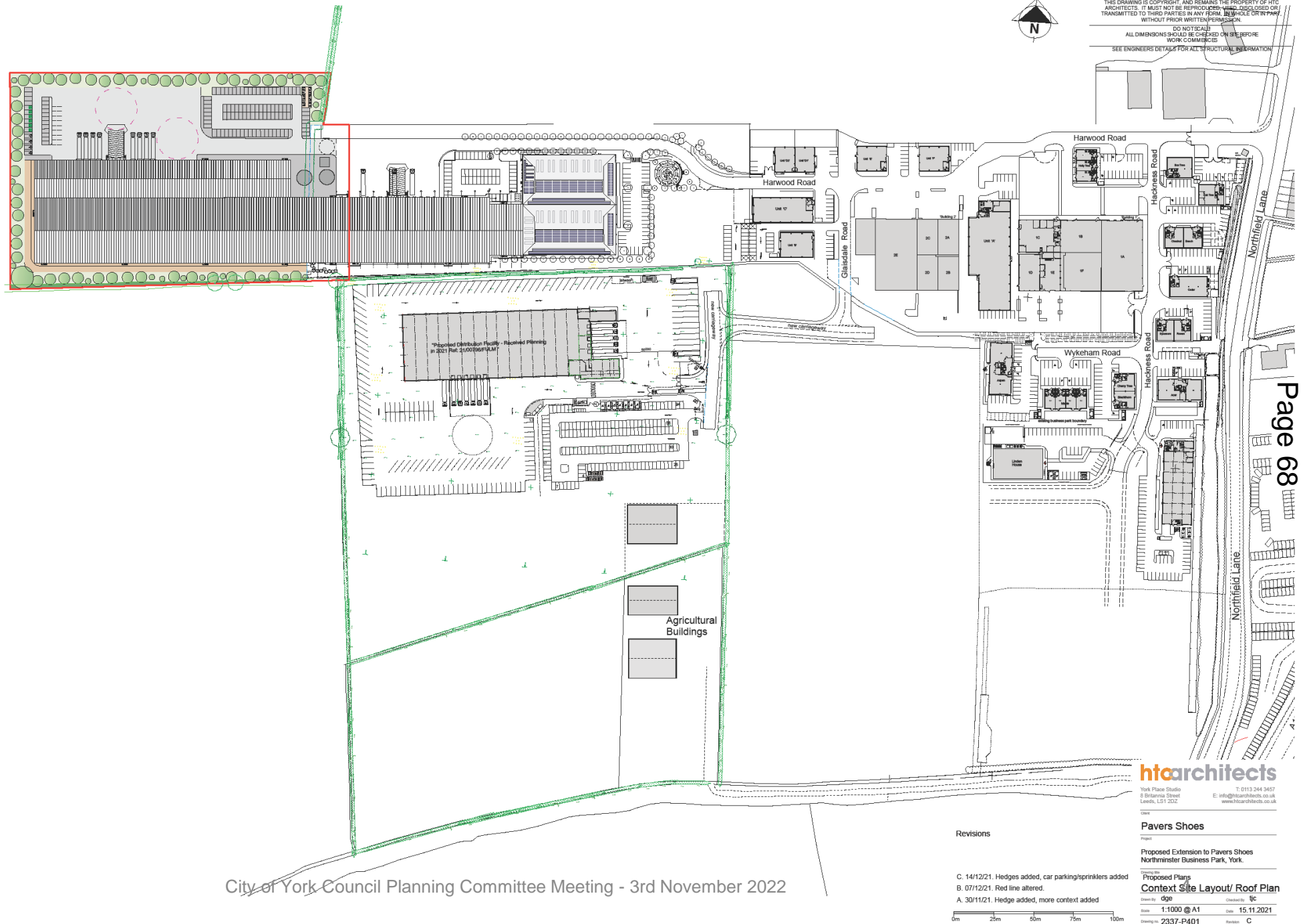
- C. 14/12/21. Hedges added, car parking/sprinklers added.
- B. 07/12/21. Red line altered.
- A. 30/11/21. Hedge added, more context added



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Client	
Pavers Shoes	
Project	
Proposed Extension to Pavers Shoes Northminster Business Park, York.	
Drawing title	
Proposed Plans Site Location	
Drawn By	Checked By
DGE	TJC
Scale	Date
1:1000 @ A1	15.11.2021
Drawing no.	Revision
2337-P400	C

Site Layout Plan



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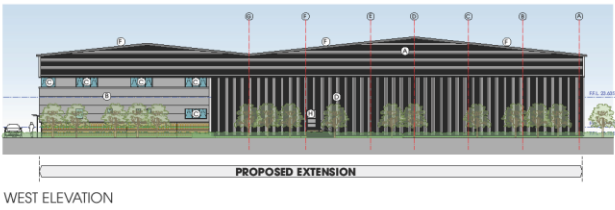
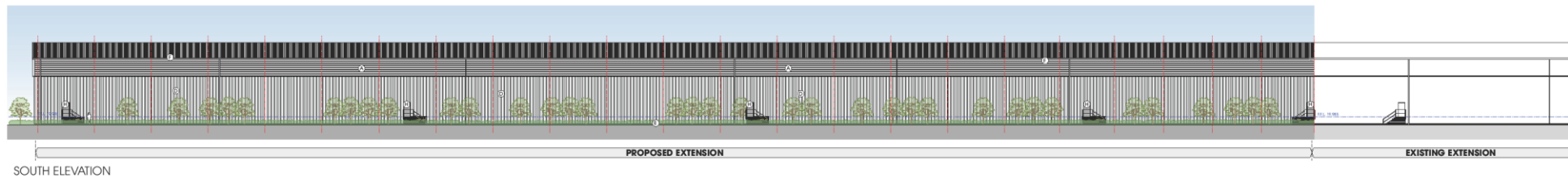
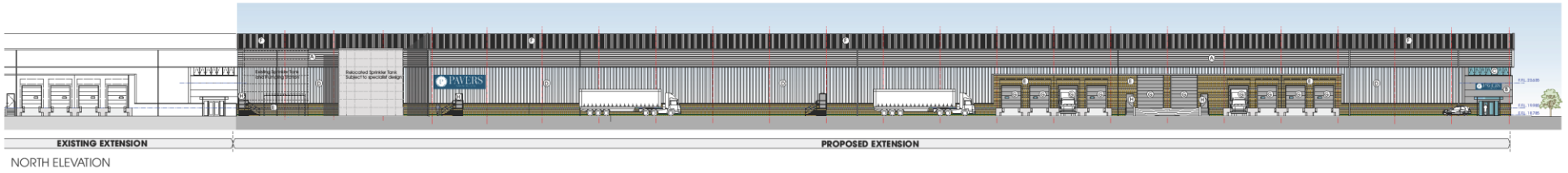
Pavers Shoes
 Proposed Extension to Pavers Shoes
 Northminster Business Park, York.

Proposed Plans
Context Site Layout/ Roof Plan
 Drawn by: gpc
 Checked by: jlc
 Date: 1.10.20 @ A1
 Date: 15.11.2021
 Sheet No: 2337-P401
 Revision: C

Proposed Elevations

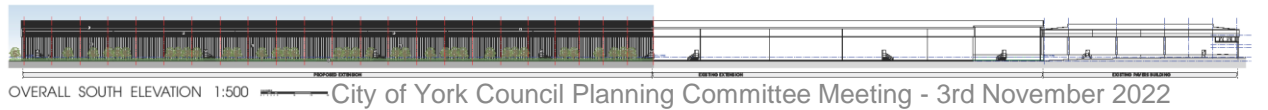
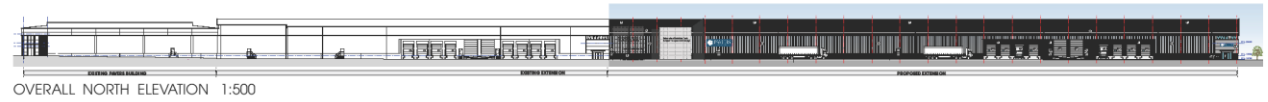
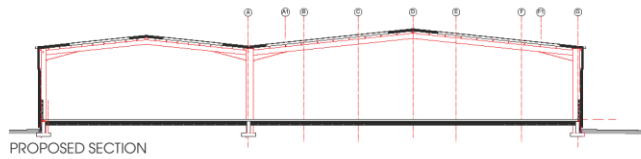
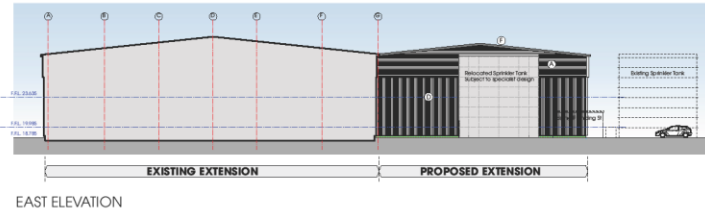
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LEGEND	COLOUR
(A) Factory powder coated precast metal wall cladding (interior)	Aluminium BS 18-8-17
(B) High quality AWP 1000mm (2 panels) composite insulation panel	Aluminium BS 18-8-17
(C) Insulated cladding panels with recessed drain, horizontal	Dark Grey RAL 7012 BS 18-8-17
(D) Polyester powder coated aluminium windows	Dark Grey RAL 7012 BS 18-8-17
(E) Factory powder coated metal wall cladding (exterior)	Aluminium BS 18-8-17
(F) Flat bonded brickwork	Red Brick
(G) Terra, Flange and Fascia	Dark Grey RAL 7012 BS 18-8-17
(H) Loading Doors	Aluminium BS 18-8-17
(I) Polyester powder coated steel security doorset	Dark Grey RAL 7012 BS 18-8-17
(J) Factory powder coated steel night doorset	Aluminium BS 18-8-17

Note: Colour names are to BS2000 unless otherwise indicated by the Architect. Some colours are available from other manufacturers under different names.



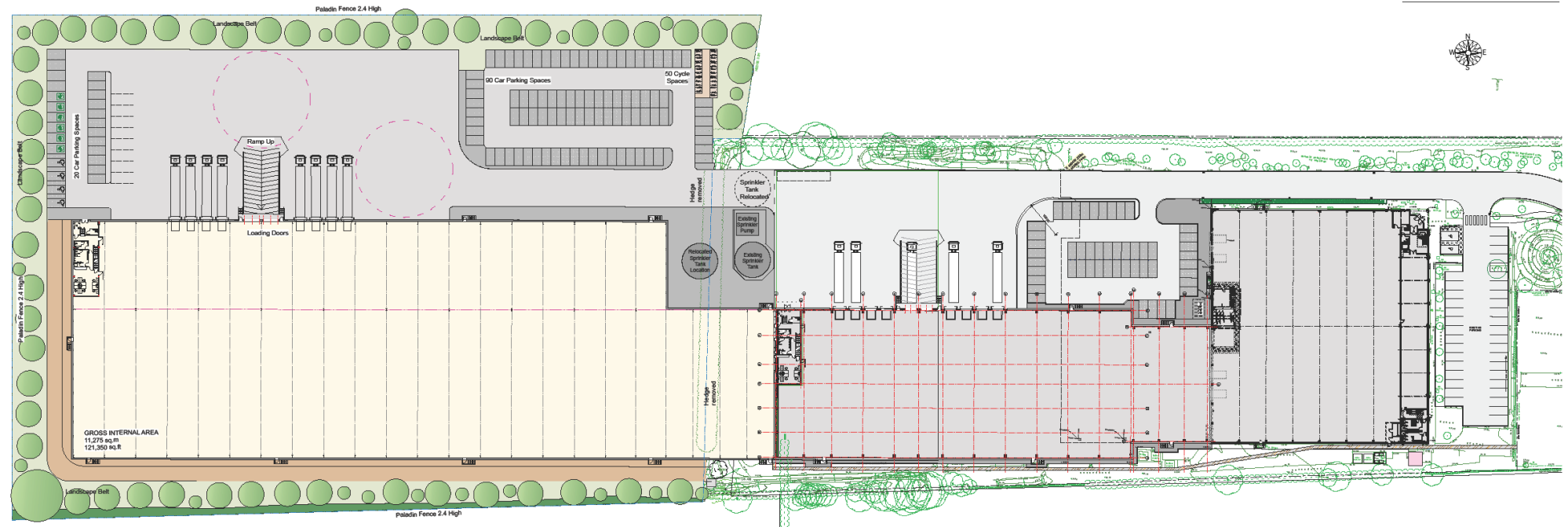
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client	Pavers Shoes
project	Extension to Existing
drawing title	Proposed Elevations & Section
status	Planning
date	Nov 2021
scale	1:200 / 1:500 @ A0
drawn	DGE
checked	TJC
job no.	2337
rev.	PL 200 rev B



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ALL DIMENSIONS SHOULD BE CHECKED ON SITE BEFORE WORK COMMENCES



Site and Floor Plan



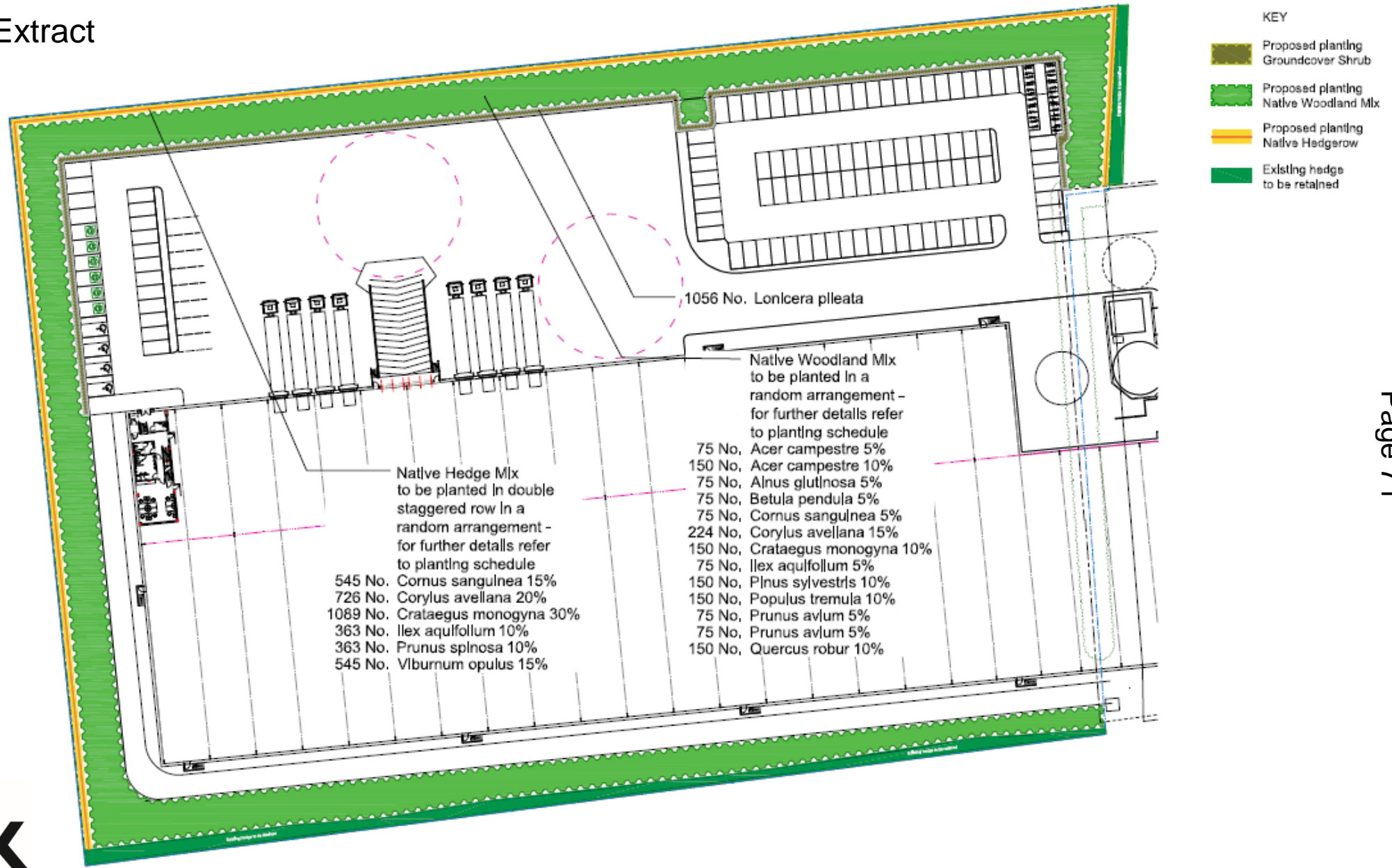
City of York Council Planning Committee Meeting - 3rd November 2022

C	14/02/21	Updated to line with planning committee comments.	DE
D	09/02/21	More car park added, car park and bays added	DE
A	09/11/21	This issue update	DE
Rev	Date	Description	Drawn

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client	Pavers Shoes
project	Extension to Existing
drawing title	Proposed Plans OVERALL SITE LAYOUT
date	Nov 2021
status	PLANNING ISSUE
scale	1:500 @ A1
drawn	DGE checked TJC
job no.	2337
desig no.	PL.402 rev. C

Landscape Plan - Extract



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business park there is a pedestrian and cycle route (which passes under the outer ring road) connecting into Knapton Village and the west side of the city. On the east side of Northfield Lane are a terrace of houses, located just past the main entrance to the business park. Further south is Oakwood Business Park, which also contains industrial and warehouse units, associated car parking and vehicle storage, the latter extends to the south end of Northfield Lane.

Proposals

1.6 The proposals are for a front extension to the existing building to provide office accommodation. The facility will provide some 2,069m² office space and be comparable in height to the existing building. A (reconfigured) car parking area is shown to the front of the office (north car park) a further car park (south car park) is also proposed to the south-east of the existing Pavers site.

2.0 POLICY CONTEXT

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

2.2 The development plan for York relevant to this application comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt and made neighbourhood plans which the site is located within.

Saved Yorkshire and Humber Regional Spatial Strategy (RSS) policies

2.3 The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York.

2.4 The environmental assessment process for the RSS abolition highlighted that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained.

2.5 The saved RSS policies are 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.

POLICY YH9C: Green Belts

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.

POLICY Y1C: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

- 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.
- Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Neighbourhood plans

2.6 The Pavers site falls within the Upper Poppleton and Nether Poppleton Neighbourhood Plan boundary. The land to the south-east (where the south car park is proposed) is within the Rufforth with Knapton Neighbourhood Plan area. The neighbourhood plans acknowledge the City of York Local Plan is responsible for setting Green Belt boundaries.

Upper and Nether Poppleton Neighbourhood Plan 2017

2.7 Policy PNP 7 - Business and Employment states new business development on established business parks will be supported where car parking is provided to City of York Council standards. In respect of Northminster Business Park Section 8 – Employment developments states expansion within the curtilage of this site would be acceptable. Further expansion would compromise the green belt.

Rufforth with Knapton Neighbourhood Plan 2018

2.7 In respect of Northminster Business Park the plan states “it is recognised that an extension to an already flourishing business park would offer significant employment opportunities for the wider area. However it is felt that the proposed allocation is too large and does not meet our definition for small scale commercial enterprises”. Had the proposed extension been on a significantly smaller scale (as originally presented in the 2016 consultation), subject to certain specific criteria the plan would not have objected to proposals (for expansion) providing that the access is from Hackness Road, a sustainable travel approach is adopted, there is no increased congestion and subject to appropriate screening.

NPPF

2.9 Key sections of the NPPF are as follows –

- 4. Decision-making
- 6. Building a strong competitive economy
- 13. Protecting Green Belt land

The Publication Draft City of York Local Plan 2018 (2018 eLP)

2.10 Key relevant Publication Draft Local Plan 2018 Policies (in respect of the principle of development) 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

3.0 CONSULTATIONS

Design, Conservation, and Sustainable Development – Archaeology

3.1 No objection. No conditions recommended.

Design, Conservation, and Sustainable Development – Ecology

3.2 No objection. Recommend conditions in respect of biodiversity enhancement, nesting birds, and in lighting. In respect of lighting the existing vegetation has the potential to be used by light sensitive species, such as bats. Recommendations on suitable lighting have been made in the applicant's Ecology Impact Assessment (section 7.3.2). Officers recommend the applicant continues to work with a consultant ecologist to ensure an appropriate lighting scheme can be provided.

Highway Network Management

3.3 Officers raised issue with the amount of car parking spaces. Based on local standards the maximum provision permitted is set out below.

Proposed office = 46
Existing office = 24
Existing warehouse = 23
Total = 93

The scheme shows 142 proposed spaces (82 + 60)

3.4 Officer note. Highways comments are on the basis of maximum standards being 1 space per 45m² office floorspace. The standards state 1 per 30m² for offices classed as located outside the built-up area, otherwise 1 per 45m².

3.5 Travel plan – officers have queried the status of travel planning at the site. The site has at least one existing travel plan although there has been no data or liaison with the Council (iTravel) in recent years. This scheme proposes a different travel plan operator for the site.

3.6 Data has been supplied of staff travel surveys in 2019 and this application includes targets for modal splits in future. This shows a trend since 2019 of decline in travel by cycle and bus and an increase in private car travel. The targets proposed would still lead to a decrease in sustainable modes of travel compared to the 2019 data.

3.7 The Poppleton Park & Ride is currently closed but is likely to re-open and targets for travel by bus lack ambition. The Travel Plan could also include additional measures to promote walking and cycling and to work with the iTravel to encourage sustainable travel in general.

Flood Risk Management Team

3.8 The site has been extended previously with the permitted pumped surface water discharge at the site restricted to 3 litres/second and foul 2 l/sec. These rates may not be exceeded.

3.9 The strategy varies from that permitted in that it proposes rates of 12.5 l/sec for the office extension, 0.47 l/sec for the main car park (in-front of the office) and 0.55l/s for the secondary car park.

3.10 Foul drainage would connect into the existing network.

Public Protection

3.11 Electric Charging facilities - advise that in some circumstances the local guidance - draft Low Emission Planning Guidance, which requires a minimum of 5% of all parking spaces (or 1 space, whichever is greater) be provided with EV charge points – may exceed minimum requirements for active EV charge point provision as set out in the Building Regulations Approved Document S (note this is the case here where the Building Regulations would only require 1 EV charging point). As such a condition is requested to approve a scheme for such facilities. The scheme will be required to include details of the location of points and confirm a 10 service and maintenance period.

3.12 Land contamination - conditions are recommended for site investigation and remediation.

EXTERNAL

Ainsty Drainage Board

3.13 The applicant states surface water disposal via infiltration is not feasible due to the high water table and clay soils. This requires verification by the Council before discharge to public sewer is permitted.

3.14 In respect of the proposed strategy for dealing with surface water disposal the board require evidence the existing building and car park areas drain to the existing system. The proposed south car park should achieve a greenfield run-off rate the maximum the board would accept is 0.5 l/sec (0.55 l/sec is proposed).

Rufforth with Knapton Parish Council

3.15 No objection.

Yorkshire Water

3.16 Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator.

3.17 If surface water discharge to public sewer is proposed, evidence is required to demonstrate that disposal via infiltration or watercourse are not reasonably practical and of existing positive drainage to public sewer and the current points of connection. There are land drains located across 3rd party land. 3rd party permission must be sought and refused before Yorkshire Water would consider this means or surface water disposal to be conclusively ruled out before discharge to the public sewer could be permitted.

4.0 REPRESENTATIONS

4.1 No representations have been made.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues regarding this scheme are -

- Application of Green Belt policy

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- Highway Network Management
- Ecology / biodiversity
- Amenity
- Sustainable design and construction
- Drainage
- Consideration of very special circumstances

Application of Green Belt policy

Whether the site is within the Green Belt

5.2 The site is regarded as being within the general extent of the Green Belt.

5.3 The RSS 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. In advance of such defining (through the local plan examination), in decision-making it has been consistently the case that the lack of a defined boundary is not sufficient to arbitrarily exclude sites from the general extent of the Green Belt.

5.4 The *Wedgewood v City of York Council* Judgment, March 2020 is a material consideration in the approach to decision making in the general extent of the Green Belt. The case decided that in the absence of a defining Local Development Plan that specifies what is and is not Green Belt, ... (the Council) must apply the high-level policy rationally in order to determine what land within the inner and outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to –

- The 2005 Draft Local Plan incorporating the full set of changes.
- The emerging Local Plan, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treating the site as Green Belt or not.

5.5 In the 2005 Draft Local Plan the application site is shown as within the Green Belt. The site is within land identified as reserved/safeguarded land; land within the Green Belt not allocated for development but identified as land which could accommodate development needs beyond the plan period (if necessary).

5.6 In the 2018 eLP the site is within employment land allocation ST19 and not in the proposed Green Belt.

5.7 In respect of site-specific features, the proposed office extension and north car park is on land currently used as car parking associated with the Pavers site. There are industrial / warehouse type buildings to the east and west and a tall row of trees to the north that visually contain the buildings within the business park. To the

immediate south of the site is the service yard and parking area associated with the DPD warehouse.

5.8 The south car park has a different context. It lies beyond existing trees that currently enclose the extent of the business park. This area is therefore more open; openness is an essential characteristic of Green Belt, as stated in NPPF paragraph 137. However the extent of openness and feeling of countryside is heavily compromised as the entrance into the DPD site runs around the south of the car park.

Whether inappropriate development

5.9 NPPF paragraph 147 states “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

5.10 Paragraph 149 lists the exceptions where new buildings are not inappropriate. Within criteria g) is 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.

5.11 The south car park is on land not previously developed and would be regarded as inappropriate. The proposals do therefore constitute inappropriate development which is, by definition, harmful to the Green Belt.

5.12 NPPF 148 states “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt”.

Impacts on openness and permanence of the Green Belt and the five Green Belt purposes.

5.13 NPPF paragraph 137 advises 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.

5.14 Paragraph 138 states the Green Belt serves five purposes:

- 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 other urban land.

5.15 When looking at the site-specific features of the site, the land where development is proposed is contained by the access road to the DPD site, surrounding industrial / warehouse type buildings and the boundary treatment to the existing business park. There is existing development to the south (the DPD site and the three substantial sized industrial / agricultural units further south). In this context, the development proposed, due to its location, would not be detrimental to the openness of the Green Belt. It would also not constitute unrestricted sprawl and it would not encroach any further into the countryside compared to the extent of the existing business park.

5.16 There is no conflict with Green Belt purposes b and d.

5.17 In respect of criteria a and e, the 2018 eLP evidence base document related to the proposed Green Belt boundaries (Topic Paper 1 Approach to defining York's Green Belt addendum 2021) explains development needs over the emerging plan period cannot be met by using only land in the existing urban area or on previously developed land.

5.18 The approach to accommodating growth is explained in 2018 eLP policy SS1: Delivering Sustainable Growth for York (modifications April 2021). The policy states (allocated) "development is directed to the most sustainable locations, making as much use as possible of suitable previously developed land (with some release of green belt land). As is set out in SS1, sustainable growth for York emphasises conserving and enhancing York's historic environment. The scale and pattern of development is guided by the need to safeguard a number of key elements identified as contributing to the special character and setting of the historic City. These include the City's size and compact nature, the perception of York being a free-standing historic city set within a rural hinterland, key views towards the City from the ring road and the relationship of the City to its surrounding settlements".

5.19 In following this spatial approach, the proposed development is on land allocated for development; site ST19. The proposed boundaries of ST19, extending the business park to the south only, have been defined taking into account the aforementioned special character of the city and NPPF paragraph 143f which advises that when defining Green Belt boundaries plans should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".

Conclusions

5.20 In applying Green Belt policy the following is applicable –

- The site is within the general extent of the Green Belt.
- The south car park is inappropriate development in the Green Belt. The proposals do therefore constitute inappropriate development which is, by definition, harmful to the Green Belt.

- The proposals are considered to not conflict with the Green Belt purposes. There would be no material adverse effect on openness.
- In applying NPPF Green Belt policy very special circumstances are required. 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.

Highway Network Management

5.21 NPPF 110 states in assessing development proposals 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.

5.22 Paragraph 108 advises maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

5.23 Paragraph 111 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”.

5.24 Paragraph 112 goes on to advise that proposals should “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”.

Parking standards

5.25 Local parking standards are contained in the 2005 Draft Local Plan.

5.26 Cycle parking standards require a minimum of 1:300 for B8 & 1:60 for offices. Minimums in LTN1/20 differ and are 1:500 & 1:200 respectively.

5.27 Car parking should be provided at a ratio of 1 space per 300m² for B8 (storage/distribution) and 1 per 30m² for the office element (assuming the site is classed as outside the built-up area, otherwise 1 per 45m²).

5.28 The plans show 1 cycle store. The application form advises 40 spaces are proposed. There are no details of the existing (warehouse) provision. The plans show 142 car parking spaces.

5.29 The local standards would equate to the following maximum number of spaces. Car parking spaces vary whether or not the site is considered outside the built-up area (either 1 per 30m² or per 45m²). As the site is within the general extent of the Green Belt to consider it located outside of the built-up area would not be unreasonable.

	Warehouse (existing 6,967sqm)	Offices (3,168sqm)
Cycle parking		
CYC	23	53
LTN 1/20	14	16
Proposed		40
Car parking		
CYC	23	71 (1 per 30sqm) or 106
Proposed		142 (total)

5.30 In respect of cycle parking, a condition could require full details of the facilities. This would require covered and secure spaces, and 5% oversized/accessible. The amount proposed for the offices exceeds LTN 1/20 standards. LTN 1/20 is national guidance and more recent the 2005 Draft Local Plan local standards. The Travel Plan can also be utilised to secure future provision subject to demand. On this basis the cycle provision is considered acceptable.

5.31 The amount of car parking, when applying local standards, is an overprovision, even for a site outside the built-up area. However, taking into account the application form and planning statement submitted advise the office is expected to employ a further 130 FTE staff, the 142 spaces proposed overall does not seem unreasonable for this scheme given the location.

Impact on the network

5.32 The applicants Transport Assessment (TA) reviews impact on A59 junction (taking into account committed development (including the DPD site to the south) with a base year of 2026). The outputs show a degree of saturation at no more than 80%. This illustrates the junction will not exceed capacity. Highway Network Management have raised no issues in respect of traffic generation and impact on the network.

Promotion of sustainable travel and safe access

5.33 Highway Network Management raised issue with the submitted Travel Plan. It shows 70% staff travel to the site by car alone, whilst in previous years this figure was 61%.

5.34 National Planning advice advises Travel Plans should identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements all of which should be proportionate. They should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met. A planning condition requiring a Travel Plan can be imposed which specifies specific targets for reducing car usage in accordance with the guidance.

5.35 The proposed car parking areas annotate 5 accessible car parking spaces and 4 electric vehicle charging points in front of the office building. This provision (for the proposed spaces) complies with standards in the Council's Low Emission strategy guidance and over 5% of the spaces are therefore accessible. This is sufficient and can be secured through condition. Passive EV provision is dealt with via Building Regulations.

Ecology / biodiversity

5.36 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on, and providing net gains for biodiversity and recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.37 An ecological impact assessment has been provided which the Council's Ecologist is in agreement with. The report recommends mitigation, in respect of potential impact on habitats, commuting and foraging bats, and amphibians. It also recommends "enhanced measures" that would secure biodiversity net gain. Measures are summarised below and can be secured through planning condition.

- Removal of any vegetation to avoid bird breeding season (tree removal shown to accommodate bin store, removal of existing landscape to front of site and to accommodate footpath to south car park)
- To compensate for vegetation loss provide two (preferably) integrated bird boxes on the proposed building. External boxes could be provided if boxes are not compatible with the proposed architectural detailing / cladding materials.
- Native species to be within the landscape scheme due to benefits such provide for birds. This includes the proposed sedum green roof.
- Lighting design to avoid detriment to the ecological value of boundary planting.

Amenity

5.38 The proposed office extension does not raise any amenity issues. The site is surrounded by commercial uses, or agricultural land and noise from the site itself would not have a material impact on residential uses outside of the business park.

The expansion would lead to increased levels of traffic. The Transport Assessment has considered the impact on the main access into the business park and does not identify any capacity issues, or growth leading to any significant number of vehicles queueing to access / leave the business park. The requirement in NPPF policy 185 in respect of the natural environment advises decisions should “avoid noise giving rise to significant adverse impacts on health and the quality of life”. Significant effects would not occur as a consequence of the proposed office scheme.

Sustainable design and construction

5.39 Policies CC1 and CC2 of the 2018 eLP establish the following requirements in respect of sustainable design and construction –

- 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.
- CC2 - All new non-residential buildings (with a total internal floor area of 100m² or greater) should achieve BREEAM ‘Excellent’ (or equivalent).

5.40 The applicants have issued an Energy and Sustainability Statement that acknowledges local requirements and confirms these can be achieved. It notes that the technologies listed below would be suitable for the site -

- Air-sourced heat pumps
- Mechanical ventilation systems shall incorporate heat recovery (MVHR) to minimise energy wastage by transferring heat from the extract air to temper the incoming fresh air, thereby saving large amounts of heating energy especially in the colder climate.
- PV
- Combined heat and power.

Policy requirements would need to be secured through planning conditions.

5.41 NPPF paragraph 130 provides overarching design guidance. It requires developments function well and add to the overall quality of the area, over the lifetime of the development.

5.42 The proposed office design is to meet specific operator requirements. In scale the office is two-storey and would provide a front extension that would be of compatible height to the existing premises. The new façade would enhance the setting. The scheme is appropriate on design grounds. Large scale details and materials specifications have been submitted with the package of drawings.

5.43 The key features of the scheme, which illustrate good design are as follows –

- Office facilities to meet the applicant's needs and contribute to the health and well-being of users of the building, including a variety of workspaces and social space.
- Sustainable design including features such as timber frame, green and brown roofs, energy efficient building envelope, optimum natural light gain and solar shading.
- Landscaping design illustrating aspirations for biodiversity net gain.

Drainage

5.44 Policy ENV5 of the 2018 eLP sets sustainable drainage requirements. In terms of surface water run-off, it requires the following, unless it is agreed such rates are not reasonably practical –

- Previously developed sites – 70% of existing run-off rates.
- New development on greenfield sites – run off rate shall be no higher than the existing rate prior to development taking place.

5.45 The site has been extended previously with the permitted pumped surface water discharge at the site restricted to 3 litres/second and foul 2 l/sec. These rates may not be exceeded. The scheme issued proposes restricted run-off rates, utilising oversized pipes and attenuation tanks, the latter beneath car parking areas. The proposed run-off rates are not agreed to but there is scope to vary the proposed scheme to address concerns, by providing increased storage capacity on site. Officers ask that members allow officers delegated authority to agree a scheme prior to determination of the application.

Consideration of very special circumstances

5.46 NPPF 148 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”.

5.47 The identified harm to the Green Belt is that the south car park is inappropriate development, which is, by definition harmful. No harm is identified to openness or the purposes of the Green Belt because of the contained nature of the application site.

5.48 No further harm has been identified that cannot be reasonably mitigated through the use of planning conditions.

5.49 The applicants have submitted an Economic Benefits Assessment dated July 2022. This sets out the following benefits of the proposed expansions to Pavers.

5.50 The Company has now reached operational capacity at its existing base. Pavers’ storage requirements are expected to double over the next 5 years. A single, centralised distribution and office facility is critical to the future needs of the business.

5.51 Current operations have to rely on off-site storage facilities. Recent growth has seen expansion of its retail portfolio to over 175 stores, acquisitions of businesses, and increases in online sales by over 700% in the last 3 years. With anticipated continued growth to over 250 stores and a rapidly expanding digital presence, Pavers' storage requirements are expected to double over the next 5 years.

5.52 The expansion proposals involve -

- £10m investment to create additional 11,275sqm of warehouse floorspace capacity adjoining the existing facilities on land to the west of Northminster Business Park. This scheme forms application 21/02804/FULM.
- £9m investment in new office development including new and refurbishment of existing floorspace to create a total of 3,110sqm. The subject of (this) application 22/01555/FULM.
- Without the expansion of its facilities, Pavers would need to consider relocation to an alternative site given the operational efficiencies to be achieved from combining its long-term warehousing and office administration operations on a single site. The warehouse and office proposals therefore represent an integrated expansion proposition as part of the Company's ongoing growth strategy.

6.0 CONCLUSION

6.1 The site is within the general extent of the Green Belt. The identified harm to the Green Belt is that the proposals are inappropriate development, which is, by definition harmful. No further harm has been identified, to openness or the purposes of the Green Belt because of the contained nature of the application site.

6.2 No further harm has been identified that cannot be reasonably mitigated through the use of planning conditions.

6.3 The three overarching objectives of the NPPF in achieving sustainable development are economic, social and environmental. The objective being to secure net gains across each objective.

6.4 The economic objective is 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.

6.5 The proposed office development will supplement the existing warehouse use on site. The site is currently in the general extent of the Green Belt. However, it has been identified through the emerging local plan process as one suitable to contributing towards meeting development needs over the emerging plan period and is allocated

for employment uses. The proposed use is compliant with the mix of uses identified as suitable for the site in the strategic allocation – site ST19.

6.6 The scheme does not conflict with the social and environmental objectives, noting that biodiversity net gain can be secured through planning condition.

6.7 Taking into account the objectives in the NPPF, the level of identified Green Belt harm and the economic benefits of the scheme, very special circumstances exist in this case that clearly outweigh the harm.

6.8 The officer recommendation is -

That delegated authority to be given to the Head of Development Services to:

- Approve a drainage strategy in principle prior to determination, with permitted pumped surface water discharge at the site restricted to 3 litres/second and foul 2 l/sec.
- 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.

Should the application not be called in by the Secretary of State, then APPROVE the application subject to the conditions set out in this report.

7.0 RECOMMENDATION: Approve after agreement of drainage strategy in principle and referral to Sec. of State

1 TIME2 Development start within three years

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

Site plan

PNO-GGA-OB-ZZ-DR-A-0103

Floor plans

PNO-GGA-OB-ZZ-DR-A-1010

PNO-GGA-OB-ZZ-DR-A-1011

PNO-GGA-OB-ZZ-DR-A-1012

South car park

PNO-GGA-OB-ZZ-DR-A-1013

Elevations and sections

PNO-GGA-OB-ZZ-DR-A-1110
PNO-GGA-OB-ZZ-DR-A-1111
PNO-GGA-OB-ZZ-DR-A-1210
PNO-GGA-OB-ZZ-DR-A-1211
PNO-GGA-OB-ZZ-DR-A-1212

Large scale details
PNO-GGA-OB-ZZ-DR-A-2000

Tree protection plan - BA11536TPP
Planting plan - 471-UW-P-001

The materials to be used shall accord with those specified on the approved plans.

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

3 Construction management

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

The plan shall include: -

- Details of measures to keep the highway clean - wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards. Hours of working.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall 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
- Dilapidation survey - Prior to works starting on site a dilapidation survey of the

highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Delivery times - During construction, deliveries to and from site shall only take place within the following hours -

Monday to Friday 09:30 to 15:00

Saturday 09:00 to 13:00 only

Not at all on Sundays and bank holidays

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan. The specified delivery times are in the interests of highway safety, in particular with regards to trips associated with local schools.

4 Drainage

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.

The details shall evidence that the permitted pumped surface water discharge shall not exceed 3 litres/second and foul shall not exceed 2 l/sec.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site in accordance with ENV5 of the Publication Draft Local Plan.

5 LC1 Land contamination - site investigation

6 LC2 Land contamination - remediation scheme

7 LC3 Land contamination - remedial works

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 'Excellent' 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 at least Excellent shall be submitted to and approved in writing by the Local Planning Authority.

Reason: 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% (compared to the requirements of the Building Regulations 2013). This shall be achieved through the provision of renewable and low carbon technologies and/or through energy efficiency measures.

Reason: In accordance with paragraphs 151 and 153 of the NPPF and policy CC1 of the Publication Draft Local Plan 2018.

10 Cycle parking facilities

The development hereby permitted shall not come into use until full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority, and the facilities have been provided in accordance with the approved details. The approved facilities shall be retained thereafter.

The details shall show car parking is covered and secure; at least 5% is non-standard to accommodate people with mobility impairments (as described in LTN1-20 11.3.2) and Sheffield stands shall be positioned in accordance with LTN1-20 11.4.

Reason: In accordance with section 9 of the NPPF.

11 Electric Vehicle charging points

The four car parking spaces identified on the approved site plan PNO-GGA-OB-ZZ-DR-A-0103 for electric vehicles (identified as ev) shall be provided with such charging facilities and be for the exclusive use of electric vehicles for the lifetime of the development. The electric vehicle charging points shall be maintained in accordance with manufacturers recommendations at all times.

Reason: In accordance with section 9 of the NPPF and the Council's Low Emission Strategy.

12 Car parking to be set out in accordance with approved plans

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

Reason: In the interests of highway safety.

13 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 said 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.

Specifically the plan shall include a target that no more than 60% of staff travel to work by car alone.

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.

14 Ecology & soft landscaping

The development hereby permitted shall not come into use until the landscaping scheme, as shown on approved drawing 471-UW-P-001 and the green and brown roofs as shown on drawing PNO-GGA-OB-ZZ-DR-A-1012 has been fully implemented.

At least two integrated bird boxes on the proposed building (external boxes may be provided if boxes are not compatible with the proposed architectural detailing / cladding materials) shall also be provided prior to first use of the development hereby permitted.

Any trees or hedgerows which, during the lifetime of 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: To secure biodiversity net gain and in the interests of the character and appearance of the area, in accordance with NPPF paragraphs 130 and 174d.

15 Vegetation removal

Application Reference Number: 22/01555/FULM

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

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

16 Light pollution (ecology)

Prior to the installation of any new external lighting, a lighting design scheme shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

The scheme shall include the following details -

- Evidence lighting, where required, accords with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.
- Show external lighting locations and specifications and lightspill contours, to clearly demonstrate illumination will not disturb light-sensitive wildlife, such as bats.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF.

17 Car parking - oil interceptor

Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water shall not pass through the traditional 'stage' or full retention type of interceptor/separator (it is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required).

Reason: To avoid pollution of the water network in accordance with NPPF sections 14 and 15.

8.0 INFORMATIVES:

Notes to Applicant

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

Application Reference Number: 22/01555/FULM

Item No: 4b

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: the use of planning conditions.

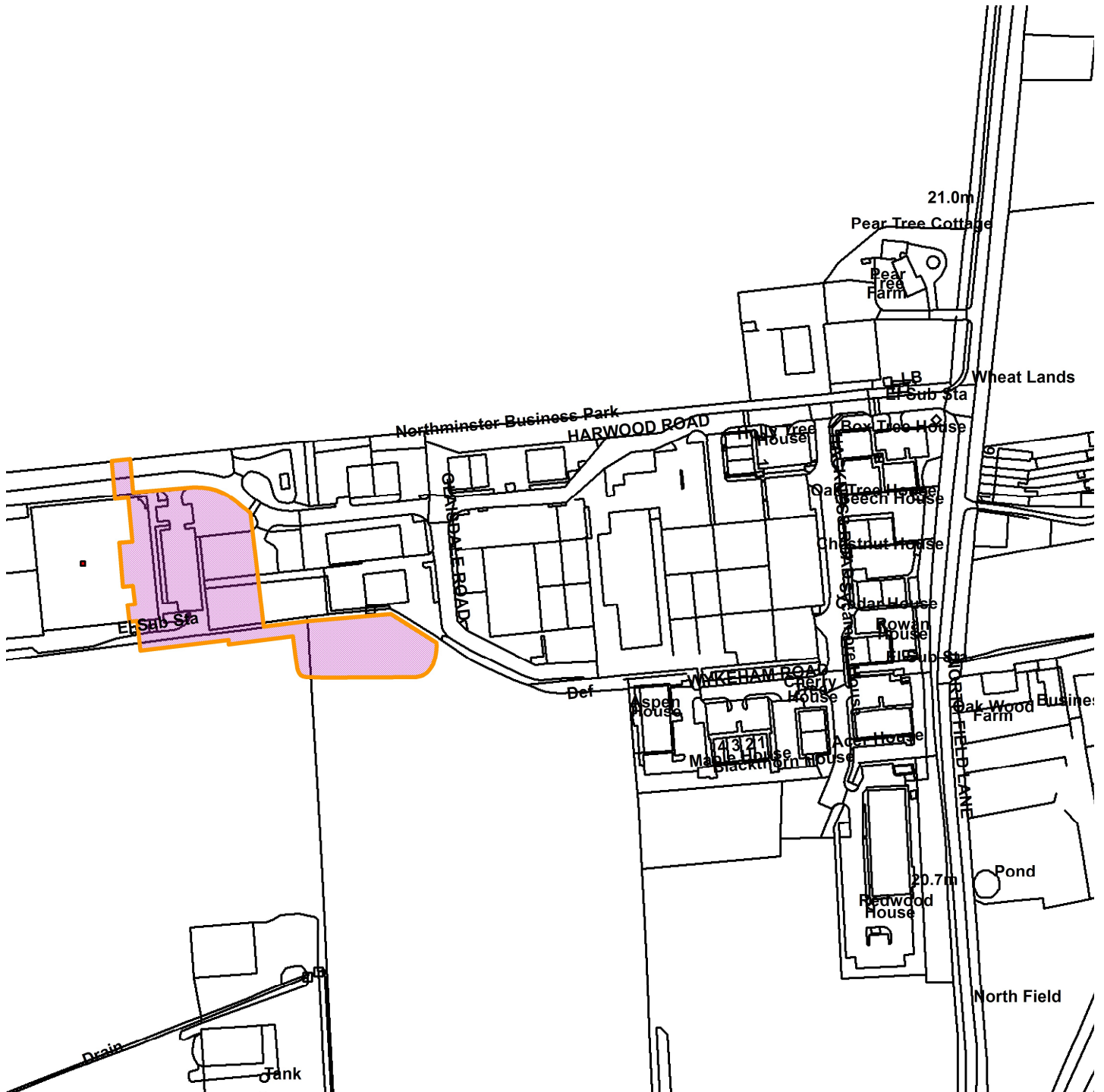
Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323

22/01555/FULM - Pavers Ltd, Catherine House,

Northminster Business Park, Harwood Road, Upper Poppleton, YO26 6QU



Scale : 1:2856

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	18 October 2022
SLA Number	Not Set

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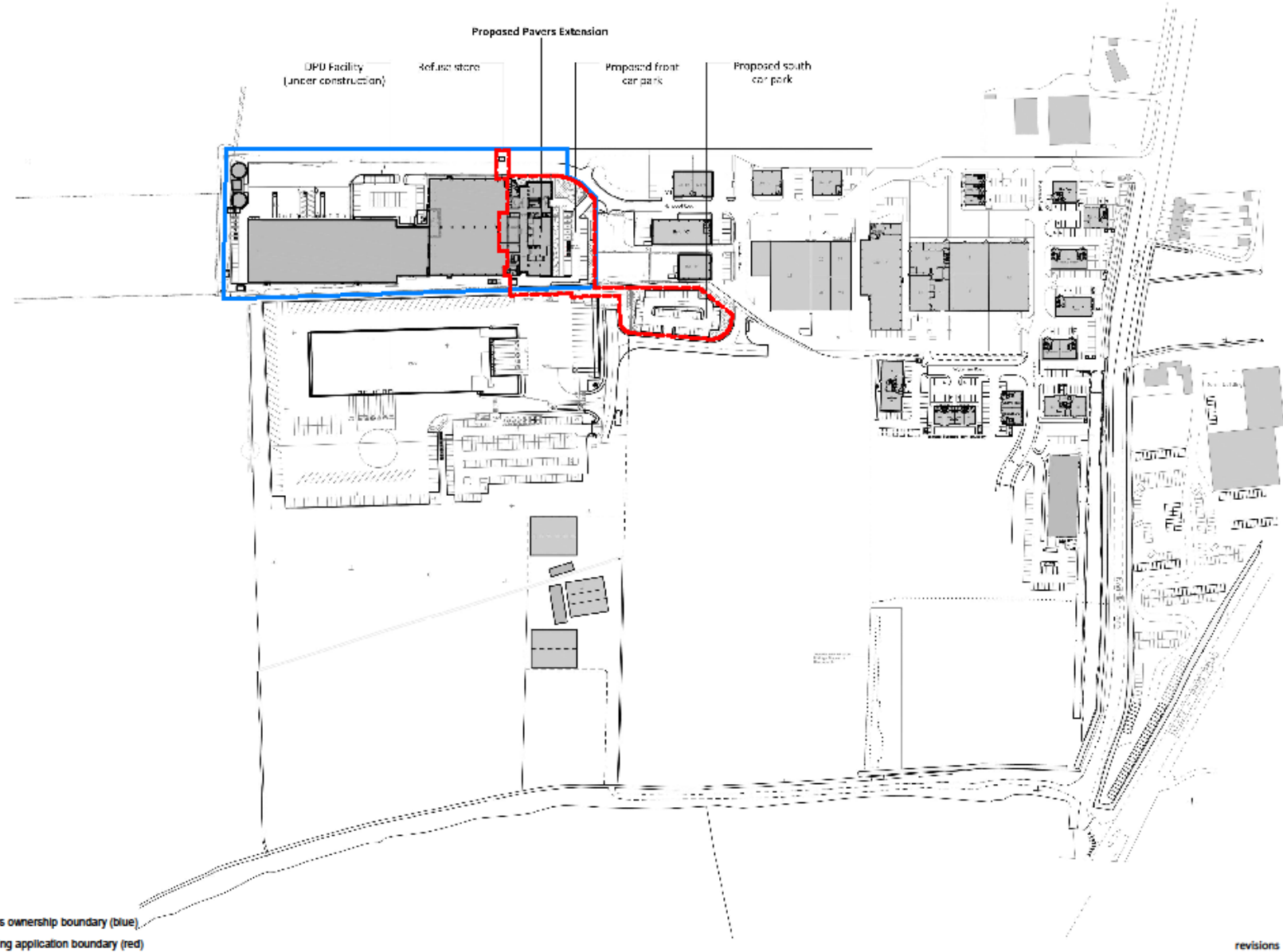
Planning Committee A

To be held on Thursday 3rd November 2022

22/01555/FULM - Pavers Ltd, Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York.

Extension to Pavers facility to provide office space with associated car parking and landscaping.

Site Location Plan



— Pavers ownership boundary (blue)
— Planning application boundary (red)



group ginger

Proposed Location Plan

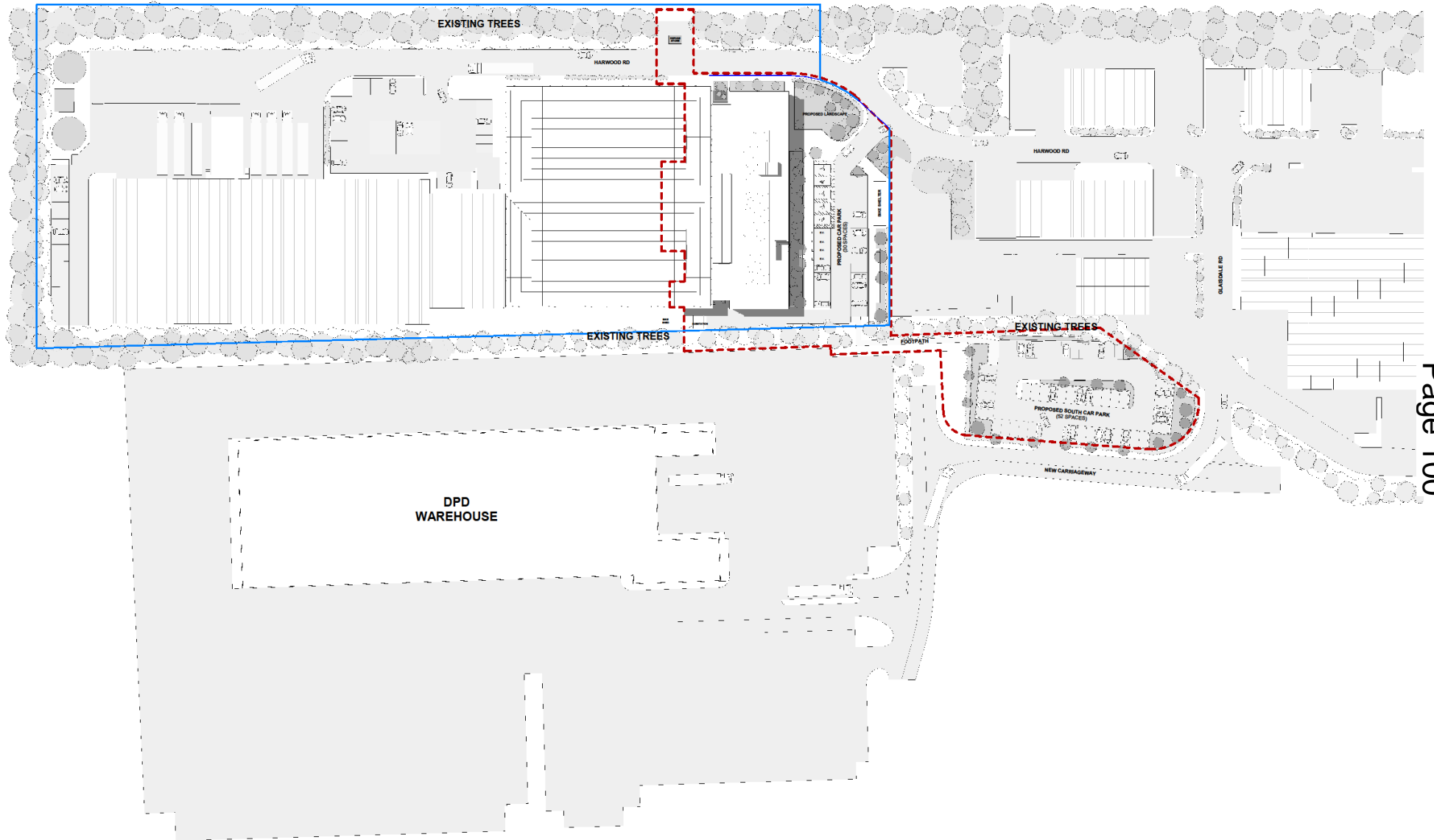
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PNO-GGA-OB-ZZ-DR-A-0102

Pavers New York Office

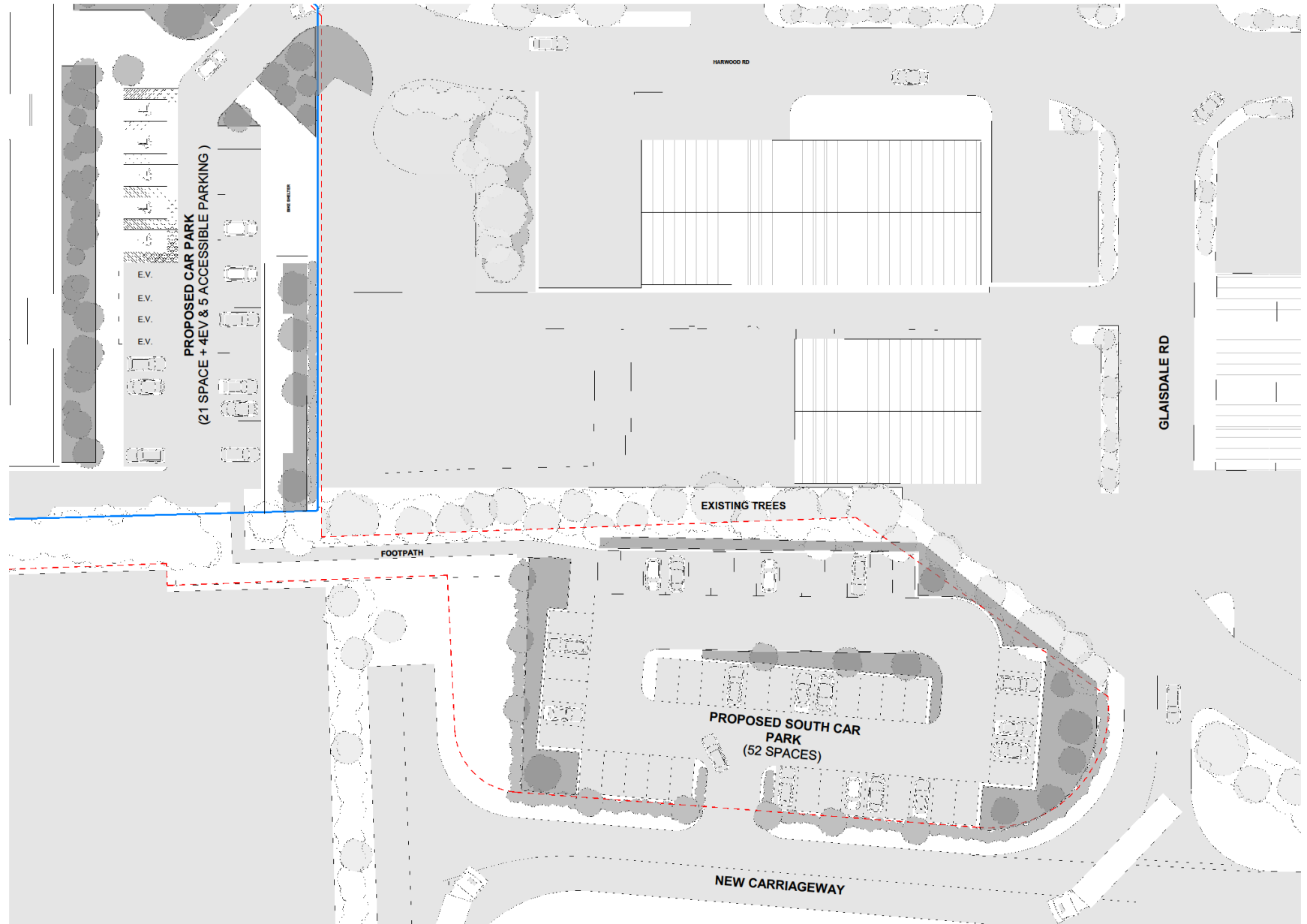
City of York Council Planning Committee Meeting - 3rd November 2022

Proposed Site Plan

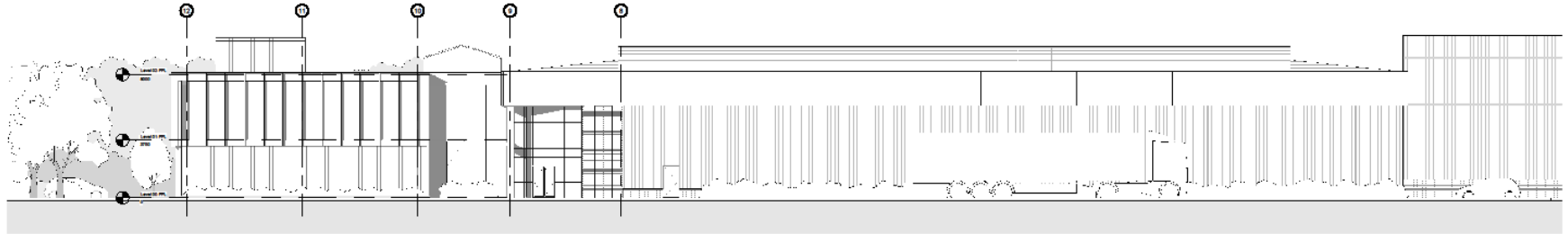
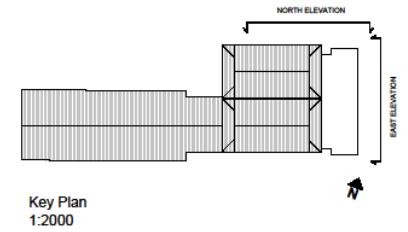


- Pavers ownership boundary (blue)
- - - Planning application boundary (red)

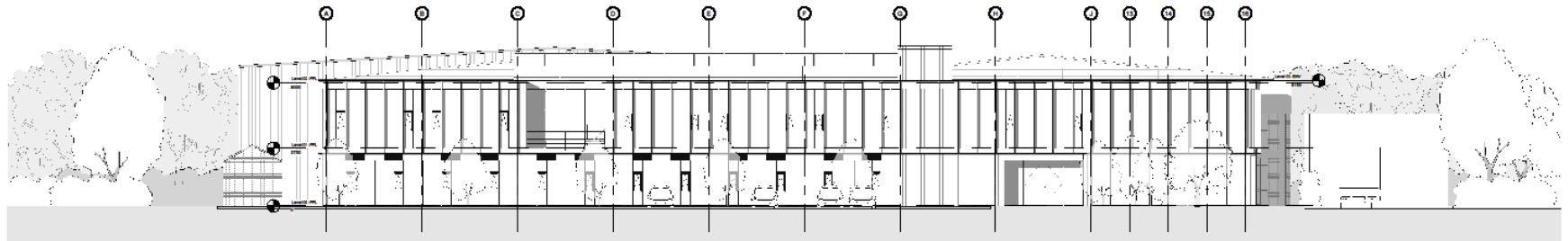
Proposed South Car Park



Proposed Elevations

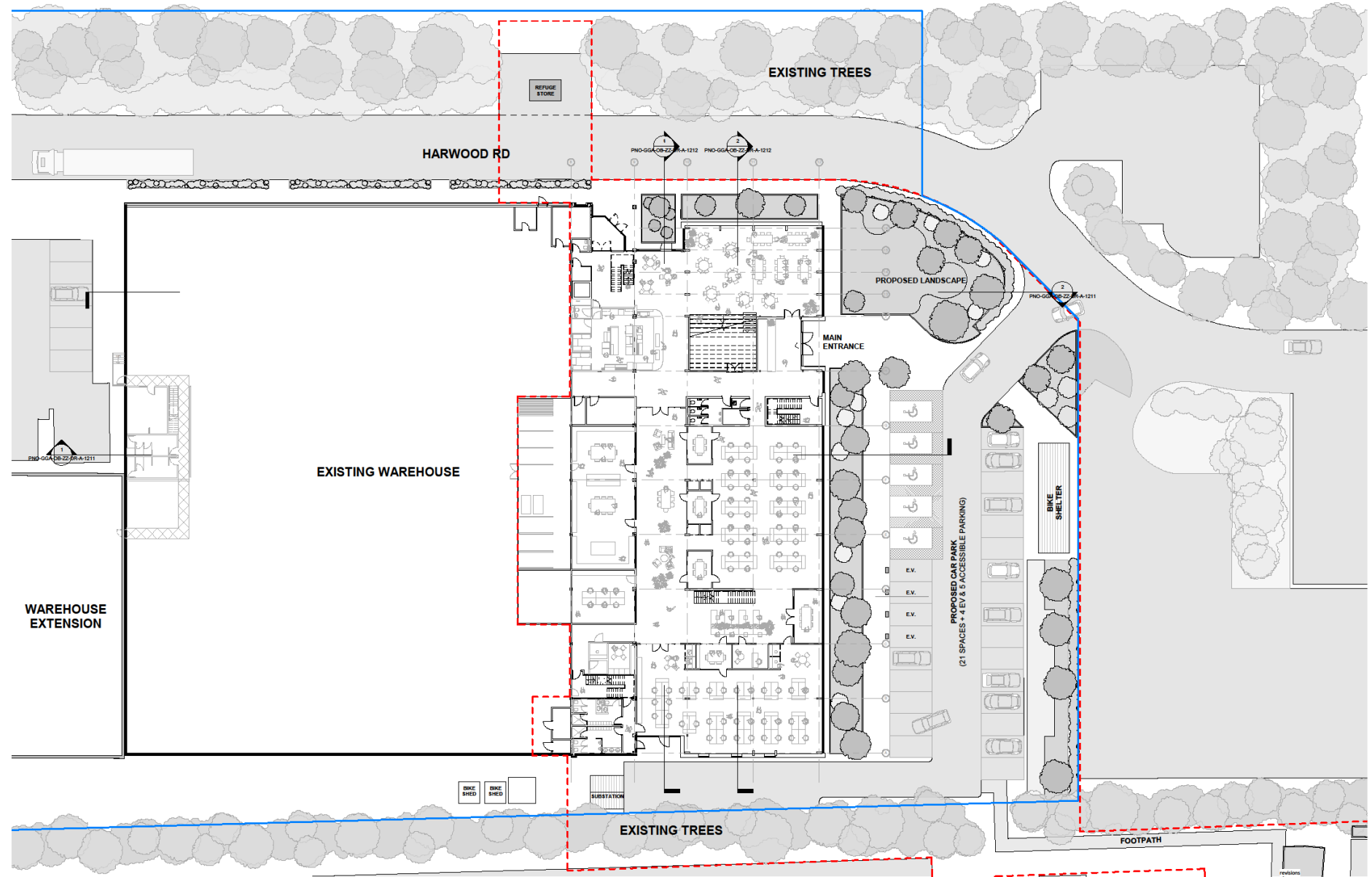


1 Proposed GA Elevation_North
1:200

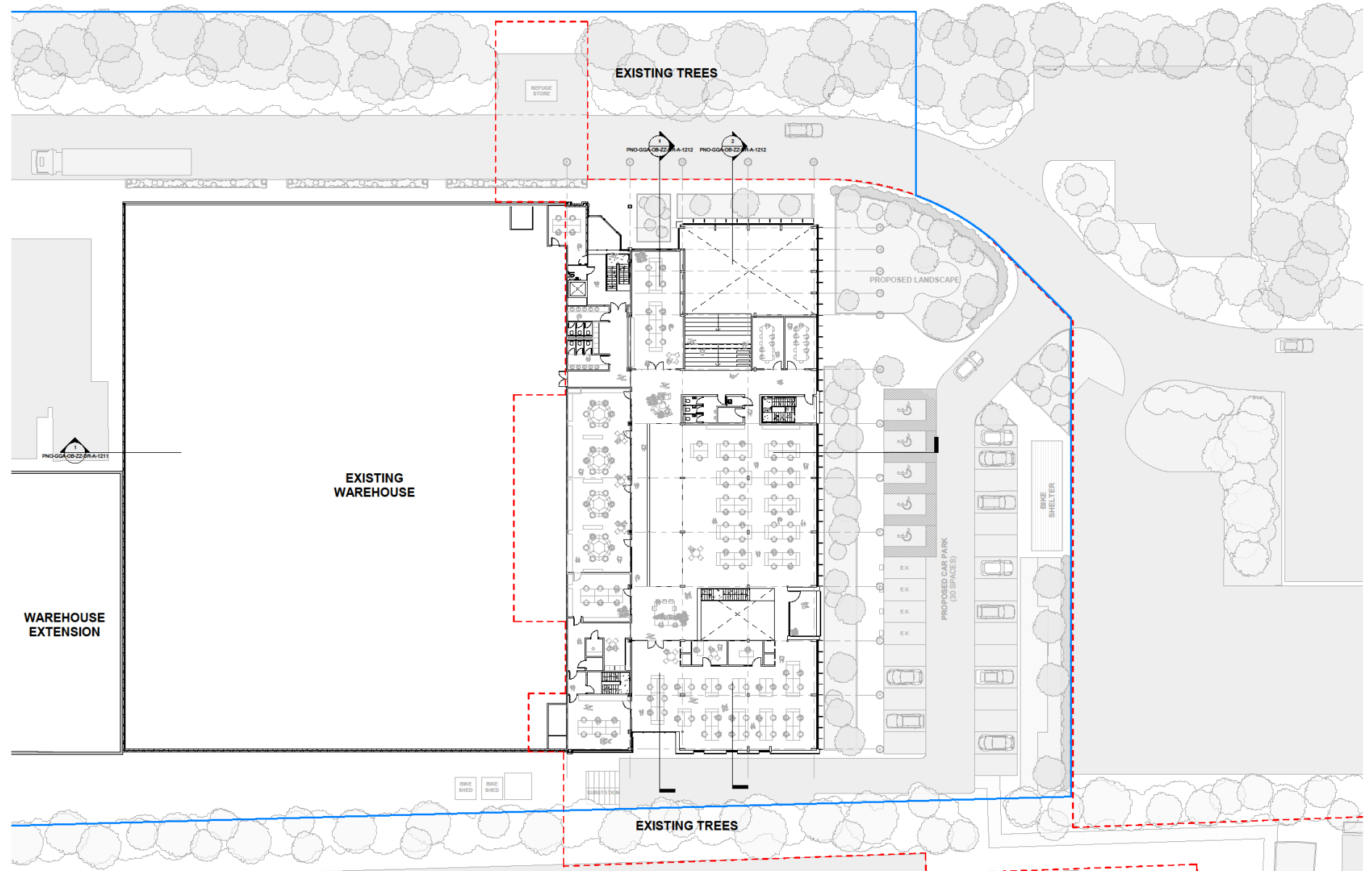


2 Proposed GA Elevation_East
1:200

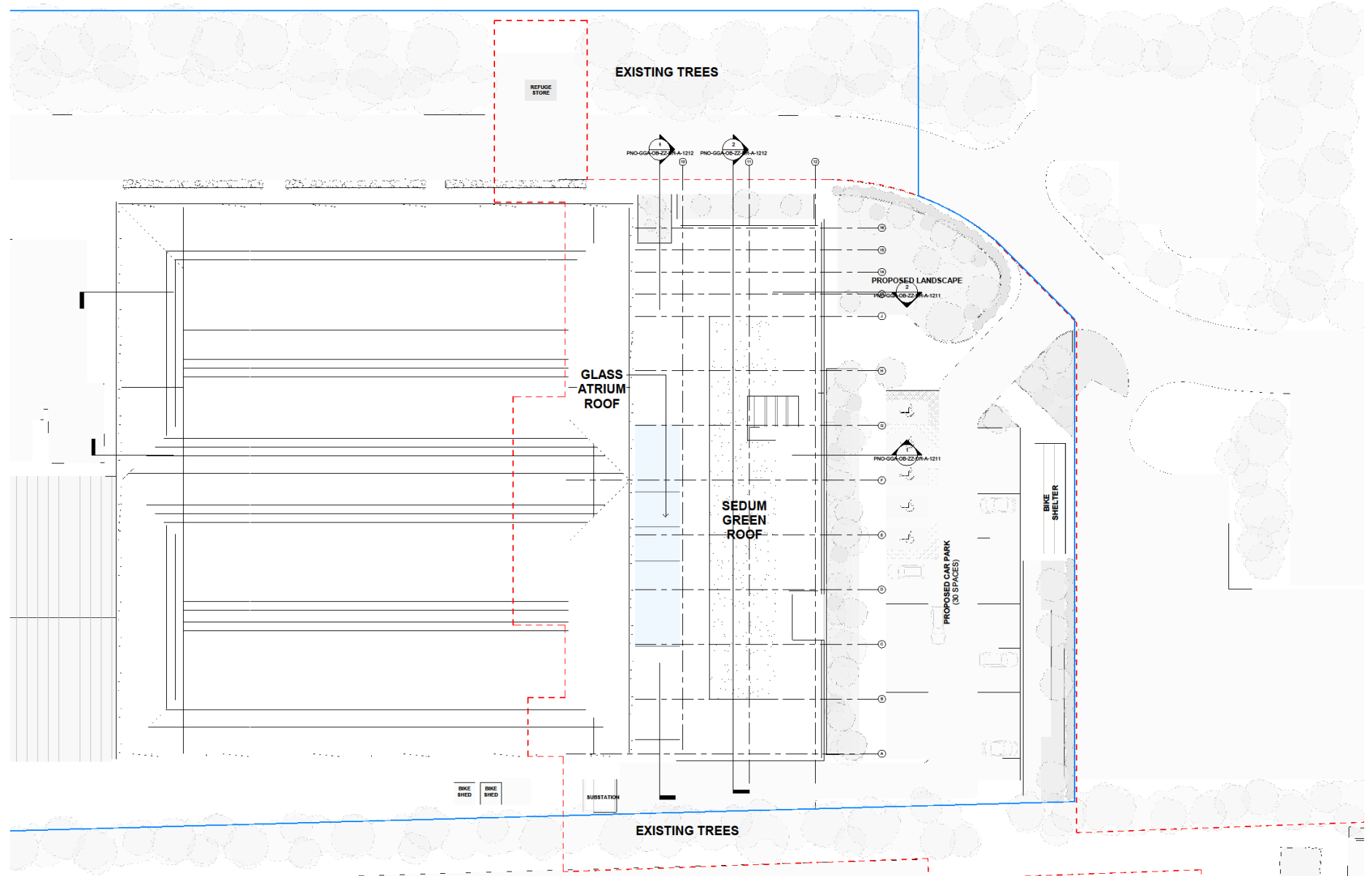
Proposed Ground Floor Plan



Proposed First Floor Plan

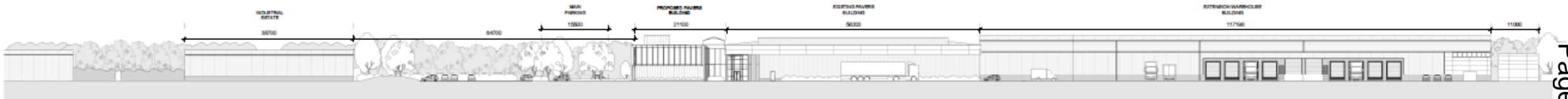


Proposed Roof Plan





1 Proposed GA Site Elevation_East
1 : 500



2 Proposed GA Site Elevation_North
1 : 500

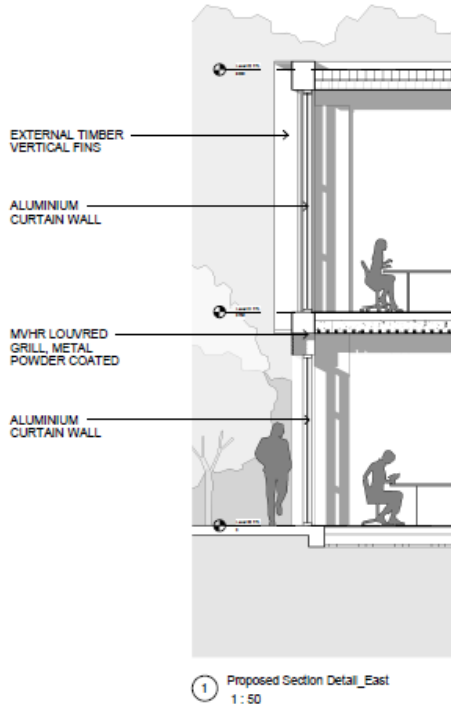
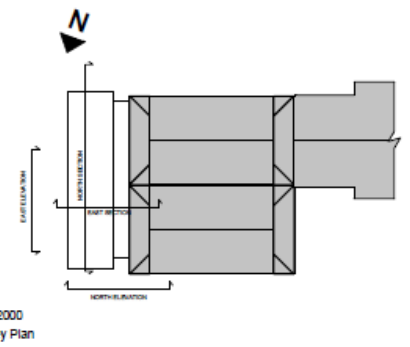


3 Proposed GA Site Elevation_South
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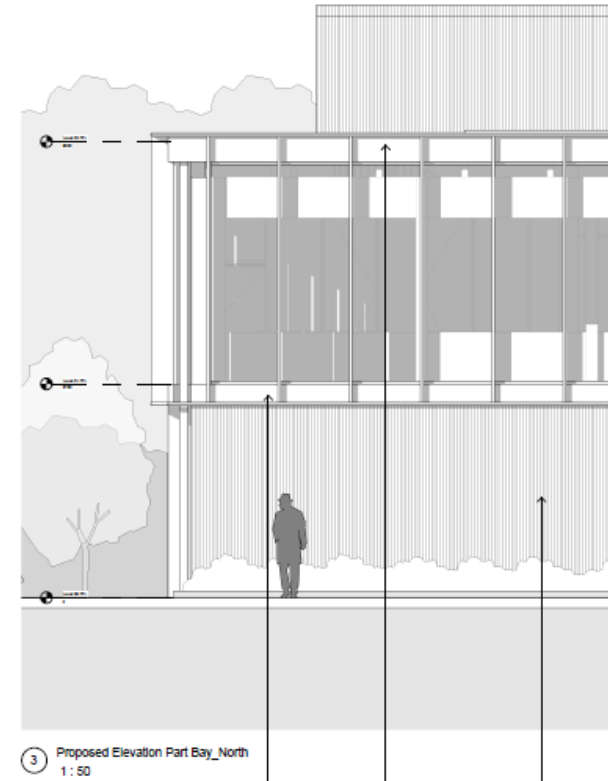


Proposed Sections

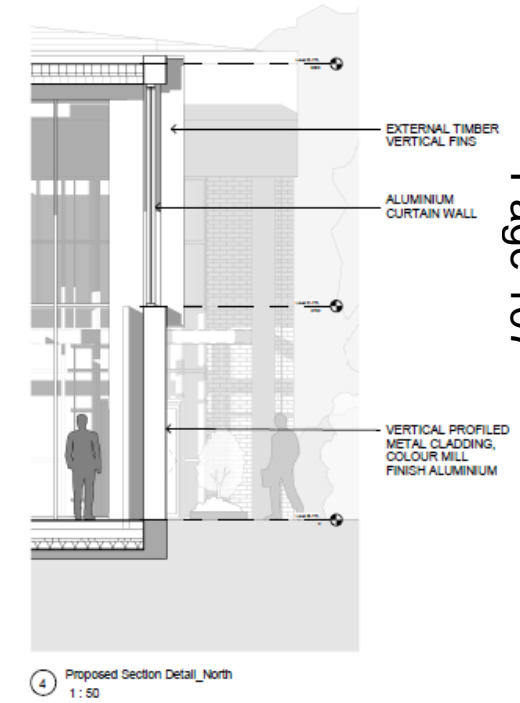
Large Scale Details



POWDER COATED METAL CLADDING PANEL TO MATCH METAL MVHR GRILL
MVHR LOUVRED GRILL, METAL POWDER COATED



POWDER COATED METAL CLADDING PANEL TO MATCH METAL MVHR GRILL
VERTICAL PROFILED METAL CLADDING, COLOUR MILL FINISH ALUMINIUM



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COMMITTEE REPORT

Date: 3 November 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 22/01281/REMM
Application at: Former Gas Works Heworth Green York
For: Reserved matters application for details of appearance and landscaping for Zone B
By: Heworth Green Property Company Ltd And Moda Living
Application Type: Major Reserved Matters Application
Target Date: 10 November 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the former gasworks site. The site is on the Brownfield Land Register and is allocated in the 2018 Publication Draft Local Plan for housing; 336 dwellings overall; site reference H1.

1.2 Outline planning permission was approved for residential-lead redevelopment of the site in July 2020. The application was considered by planning committee 12th March 2020 (application 19/00979/OUTM). The outline permission included reserved matters of access, layout and scale. This left reserved matters approval pending for the appearance and landscaping of the three development zones.

1.3 Reserved matters approval was granted following consideration at Planning Committee 4th November 2021 for Zones A and C (those on the Heworth Green side of the site).

1.4 This application is for the outstanding reserved matters for Zone B (appearance & landscaping). Zone B comprises two blocks of Build to Rent accommodation, located on the southern side of the site and facing outward towards Eboracum Way and Layerthorpe.

1.5 The amount and scale of development proposed accords with the outline consent and are not for consideration in this application. The proposed buildings range in height from 4-storey to 6-storey and would contain the following accommodation –

392 dwellings ranging from 1 to 3 bed apartments:

Application Reference Number: 22/01281/REMM

Item No: 4c

1 bed (Studio) - 25 apartments (6%)

1 bed, 2 person - 228 apartments (58%)

2 bed - 121 apartments (31%)

3 bed - 18 apartments (5%)

- 1,030sqm internal communal amenity space which provides reception area/concierge and post/parcel store, lounge areas, co-working space, cinema room, gym and studio, games room and library.
- The scheme also provides outside amenity space – communal areas within the landscaping, communal outside space at roof level and private gardens at ground level.
- 95 car parking spaces (as required by the outline permission). 5 spaces are accessible. All spaces are proposed to be provided with EV charging facilities.

2.0 POLICY CONTEXT

2.1 Key relevant sections of the NPPF

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic Environment

2.2 Key relevant policies of the 2018 Publication Draft Local Plan

SS1 Delivering Sustainable Growth for York

HW7 Healthy Places

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D5 Listed Buildings

GI2 Biodiversity and Access to Nature

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (Architect)

3.1 Officers support the principles of the scheme, specifically -

- The external layout and configuration of public and private spaces.

- Scale and massing of proposed buildings.
- Victorian warehouse aesthetic which relates to the sites former industrial use is an appropriate response, in context with modern commercial of low architectural quality and a mix of residential typologies.

3.2 In respect of detailed design, the following information was requested for clarification. Revised and further plans have been provided in respect of these items

-
- Extent of roof-top plant.
- Distribution of brick/mortar types.
- Typical details in section to illustrate high quality articulation.
- Detailed design of roof terraces.

3.3 Require that full large-scale details and materials be approved through condition. The materials and build quality can also be approved by way of providing a mock panel on-site.

3.4 There remain reservations over the long corridors which lack natural light. These are the applicant's preference for the build to rent product they offer.

Design, Conservation and Sustainable Development (Landscape Architect)

3.5 The landscape detail is appealing and has sought to make the most of the external spaces relative to the scale of the surrounding proposed buildings. Each space has its own character and rhythm within a common language. The planting includes a good palette and distribution of trees, using large stock, which will have a reasonable immediate impact. Provided watering and maintenance are carried out with great attention, so that the trees establish and thrive, the spacing of the trees suits their ultimate mature size and relationship to context. The value of the roof terrace as amenity space for residents is noted.

3.6 Clarification was sought on the following items. Revised and further plans have been provided in respect of such -

- Children's play equipment
- Less formal planting (rather than mown lawn) along Eboracum Way and by car parking spaces
- Living roof – the applicants were asked to explore the possibility for a brown roof due the ecological benefits of such. Brown roof areas are now illustrated on the updated roof plan.

Conditions were requested to deal with the following matters

- Tree protection (from ongoing maintenance)
- Approval of hard landscaping such as boundary treatment
- Full planting plan

Highway Network Management

3.7 Officers asked whether the cycle stores originally proposed could be reduced in size on security grounds (without compromising overall numbers). The amended scheme reduced the area of the largest store in block B1 and added a store in B2. The storage is now more evenly spaced over the site.

3.8 LTN 1/20 requires that at least 5% of parking be designed for adapted cycles for disabled people. This level of provision has been secured in the updated scheme.

3.9 In respect of the setting out, officers asked for the scheme to be amended as follows –

- Aisles between double deck storage - 2m minimum required.
- Sheffield stands must be spaced 1m apart

Police Architecture Liaison Officer

3.9 Note that the principles of Secured by Design have been taken into consideration. In particular, the boundary treatment for the Linear Park and Courtyard that creates secure gated access to these areas is commended.

Guildhall Planning Panel

3.10 Feel there is a need for more tree planting on the site, particularly in areas away from the buildings and on the perimeter of the site.

4.0 REPRESENTATIONS

4.1 No representations have been made.

5.0 APPRAISAL

Key Issues

- Principle of the proposed development
- Appearance
- Heritage Assets
- Landscaping

Principle of the proposed development

5.1 The development has outline permission. The principle of the amount and mix of residential development proposed is established, as are the layout, scale and height of the proposed development, and the amount of parking. This application is for

consideration only of the appearance of the buildings in detail and the hard and soft landscaping within the phase.

5.2 The outline permission and its associated conditions also deal with technical issues including drainage / impact on wider highway network / affordable housing / public protection / sustainability / ecology / planning obligations. It also contains triggers for the installation of associated landscaping and parking.

Appearance

5.3 In respect of appearance and landscaping, policy within paragraphs 130 and 131 of the NPPF are relevant. These state developments should -

- Be visually attractive, as a result of good architecture, layout and appropriate and effective landscaping.
- Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 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.
- Acknowledge that trees make an important contribution to the character and quality of urban environments. Trees should be incorporated in developments with appropriate measures in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

5.4 The National Design Guide, published in 2021, is a companion to NPPF design policy.

5.5 Publication Draft Local Plan 2018 policies D1 and D2 on place-making and landscaping require, in particular relevant to this application that –

- Ensure appropriate building materials are used.
- Meet the highest standards of accessibility and inclusion.
- Integrate car parking and servicing within the design of development so as not to dominate the street scene.
- Create active frontages to public streets and spaces.
- Include planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes.

5.6 Officers are satisfied the detailed design of the scheme accords with the aforementioned policies contained in the NPPF, the National Design Guide and the Publication Draft Local Plan 2018.

Building design

5.7 The outline permission for the scheme controlled maximum building heights and had rules (within a design code and parameters plans) for the permitted floorspace at each level which, combined, sought to provide variety in the scale and articulation of the two approved blocks. Officers are content with the interpretation of the outline permission by the developer and their architects. The overall scale and proportions of the buildings, which arise from the massing and variation in building lines, combined with the articulation of the facades, illustrate a scheme of appropriate quality.

5.8 Detailed section drawings of the façade have been provided, illustrating a sufficient build quality. The intent has been clarified that both blocks will be of the same brick, with subtle variety developed through differing mortar mixes. A condition is proposed to enable officers to approve a mock sample panel illustrating typical details. This gives assurances on build quality, and is an approach used on schemes such as Ryedale House, The Stonebow and Hudson Quarter.

5.9 A brown roof has been incorporated into the scheme which is of biodiversity value. This is an exceedance of the approved parameters in the outline permission. Roof terraces, providing amenity, are set out so seating and activity is reasonably away from the building edge.

5.10 All amenity and residential entrances will conform with relevant accessibility standards including level threshold and power assisted doors as necessary.

Composition of uses

5.11 The site layout follows the outline proposals. There are subtle amendments; there is further car parking on south-east side of the site, as this was requested by Highway Network Management officers at outline stage and is a condition of the approval (condition 17 which required an extra 10 car parking spaces over the site). A second variation is a reduction in the floorplate of block B2 which enables a larger internal courtyard/amenity space.

5.12 The blocks have servicing concentrated on the south-east side, by the access road. The internal communal space faces onto the neighbourhood green, which will be public amenity space within the scheme. Wayfinding is assisted by the entrance feature that leads into the areas containing shared inside and outside amenity space. Ground floor dwellings have private outside amenity spaces. Public, private and semi-private (communal) spaces are well-defined, by way of defensible space and gated

access into resident's courtyards. These measures accord with Secure by Design principles and are not detrimental to permeability through the site for non-residents.

5.13 In addition to the internal communal spaces at ground level the top floor of the larger block (B2) also has communal amenity space. The amount of (internal) communal amenity space proposed is 1030 sqm, which exceeds the outline requirement of 230sqm. In addition, both blocks have communal roof terraces. Residents of block B1 have direct access into the B2 courtyard and the building's internal amenity space.

Landscaping

5.14 Officers have been involved in evolution of the landscaping scheme since pre-application. Each space has its own character and rhythm within a common language. The planting includes a good palette and distribution of trees, using large stock, which will have a reasonable immediate impact. The detailed strategy is specified on sheet 2 of the planting strategy.

5.15 In respect of the comment from Guildhall Planning Panel regarding tree planting on the south side of the site, officers are content the proposed planting is sufficient. The planting stock is quite large (up to 5m high) so will make a reasonably good immediate impression. If more trees were added to this area, and they all succeeded, they may start to compete with each other; and may end up being too close to living room windows.

5.16 At the periphery of the site, wildflower planting is proposed alongside Eboracum Way (as recommended by the Council's Landscape Architect) and a pedestrian / cycle route, within landscape is shown running parallel to Heworth Green. Car parking on the southern, Layerthorpe, side of the site is as required by the outline consent which fixed the number of spaces that were required in this area.

5.17 There is a reasonable mix in type of landscape amenity space. This includes space for residents to sit outside and provision for children's play. At ground floor level the courtyard to block B2 and the linear landscaped area between buildings B1 and B2 are both private and provide secure amenity space (as advocated through Secure By Design principles) without compromising permeability through the site for all. There are roof top amenity spaces on both buildings. The space on block B2 being an extension of the communal resident's area at top floor level.

5.18 Natural and informal play items have been added to the main courtyard following comments from the landscape architect. They tie into the large boulders, which provide an element of play/exploration. Trim trail equipment is now included to the area of hardstanding adjacent to the main courtyard.

Heritage Assets

5.19 The site of Zone B is outside of any conservation areas. The outline scheme established the permitted massing and vernacular of Zone B, taking into account the relationship with the Heworth Green / East Parade / Huntington Road Conservation Area and important views of The Minster. The details within this reserved matters application do not have further effect on Heritage Assets.

Cycle storage

5.20 Condition 30 of the outline permission required cycle provision of at least one space per dwelling and for basic tools to be provided to allow maintenance and repairs (to accord with the approved travel plan). The actual detail is included in this application. The provision is as follows -

- 392 spaces in total.
- 252 spaces are in stores within the main buildings. The scheme has been amended so Sheffield stand setting out and aisle widths meet LTN 1/20 recommendations.
- Overall 19 over-sized / non-standard spaces area proposed. This provision has been provided following LTN1/20 which recommends a proportion (typically 5%) spaces should be non-standard.
- The remaining spaces (apart from those for visitors) are in covered and secure storage areas spaced around the site.

6.0 CONCLUSION

6.1 The scheme accords with the outline permission and is acceptable in all other respects, taking into account relevant NPPF, national design guide and Publication Draft Local Plan policy. The scheme is subject to the conditions of the outline permission (which include triggers for installation of the landscaping and parking) and those recommended in section 7 below.

7.0 RECOMMENDATION: Approve

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

Location Plan 0858-RFM-XX-00-DR-L-0001, rev. P02

Existing Site Plan 0858-RFM-XX-00-DR-L-0002, rev. P02

B1 B2 - Level 00 GA Plan 21040-FSL-ZZ-00-DR-A-2000, rev. P7

B1 B2 - Level 01 GA Plan 21040-FSL-ZZ-01-DR-A-2001, rev. P5

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B1 B2 - Level 02 GA Plan 21040-FSL-ZZ-02-DR-A-2002, rev. P5
B1 B2 - Level 03 GA Plan 21040-FSL-ZZ-03-DR-A-2003, rev. P5
B1 B2 - Level 04 GA Plan 21040-FSL-ZZ-04-DR-A-2004, rev. P7
B1 B2 - Level 05 GA Plan 21040-FSL-ZZ-05-DR-A-2005, rev. P5
B1 B2 - Roof GA Plan 21040-FSL-ZZ-RF-DR-A-2006, rev. P4

B1 B2 - GA Sections 1 of 2 21040-FSL-ZZ-XX-DR-A-2040, rev. P4
B1 B2 - GA Sections 2 of 2 21040-FSL-ZZ-XX-DR-A-2041, rev. P4
B1 GA Elevations 21040-FSL-B1-XX-DR-A-2020, rev. P4
B2 GA Elevations - Sheet 1 of 3 21040-FSL-B2-XX-DR-A-2020, rev. P4
B2 GA Elevations - Sheet 2 of 3 21040-FSL-B2-XX-DR-A-2021, rev. P4
B2 GA Elevations - Sheet 3 of 3 21040-FSL-B2-XX-DR-A-2022, rev. P4

Vent Detail - 21040-FSL-ZZ-XX-DAR-2184

Large scale details (note that recessed brickwork to be as brick slip recess detail on 2185) –

Typical detail window bay - 21040-FSL-ZZ-XX-DR-A-2180

Typical detail projecting aluminium - 21040-FSL-ZZ-XX-DR-A-2181

Typical Details - Brick Overpanel - 21040-FSL-ZZ-XX-DR-A-2182

Typical strip window - 21040-FSL-ZZ-XX-DR-A-2183

Typical Cill & Head - 21040 FSL ZZ XX DAR 2184

Reveals showing brick slip recess detail - Brick Slip Recessed Brick Jamb - 21040 FSL XX XX DAR 2185

General Arrangement Plan - 0858-RFM-ZB-00-DR-L-0001, rev. P06

Planting Strategy Sheet 1 - 0858-RFM-ZB-00-DR-L-0004, rev. P04

Planting Strategy Sheet 2 - 0858-RFM-ZB-00-DR-L-0005, rev. P03

Landscaping to rooftop areas - 0858-RFM-ZB-ZZ-DR-L-0002 rev. P04

Cycle storage provision document dated August 2022

Details of secure external stores - RF20-858-ZB-WP07-P06

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

2 Landscaping

Prior to their installation the following landscaping details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details (note the trigger for installation is dealt with by the outline permission).

- a) Trees - means of support and protection.
- b) Locations of underground utilities.
- c) Boundary treatment and means of enclosure.

- d) Specification of children's play equipment.
- e) External lighting (details to include manufacturer's details, location and lightspill).

Reason: In the interests of good design; in accordance with NPPF paragraph 130.

3 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the relevant buildings (above ground floor slab).

- Reveals and surrounds, including canopies, decorative panels and service doors at ground floor level
- Block B1 window details and surrounds for north and south elevations
- Balustrading – large scale details of balustrades, including in section and confirmation of means of fixing
- Block B2 elevation C typical details for ground floor communal / staff areas

Prior to construction of relevant parts of the building, a mock panel showing typical reveals and their surrounds shall be provided on site. The panel shall be approved by the Local Planning Authority.

The scheme shall be constructed in adherence with the principals and workmanship as illustrated on all approved large scale / typical large scale details and the approved panel.

Reason: In the interests of good design, in accordance with NPPF paragraph 130.

4 Materials

Manufacturer's details of the external materials to be used, including details of the external finishes to the cycle shelters, shall be approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out using the approved materials. For the avoidance of doubt, and unless otherwise agreed in writing by the Local Planning Authority, such materials shall include external walls, windows, doors, fences/screens, landscape paving/decking and roofing materials but excluding all ground works and the material of the main structure. Samples shall be provided on site for approval as required by the local planning authority.

Reason: In the interests of good design and visual amenity, in accordance with the NPPF, paragraph 130.

5 Cycle storage

The internal cycle stores shall be set out with 1 metre between Sheffield type stands and at least 2 metre aisle widths, as shown in the cycle store provision document dated August 2022. The storage adjacent block B1 (16 Sheffield type stands) shall be covered.

Cycle parking shall be provided in accordance with the approved Travel Plan issue 1.1 and shall be retained thereafter.

Reason: In accordance with the travel and transport policy contained in paragraphs 110 and 112 of the NPPF.

6 Visitor (car) parking

At least 5 of the car parking spaces that serve zone B shall be for the use of visitor parking. At least 5% of car parking spaces shall be accessible, as annotated on the approved plans.

Reason: In accordance with the travel and transport policy contained in paragraphs 110 and 112 of the NPPF.

7 Roof terraces

The roof terraces shall be set out in accordance with the re-form roof terraces general arrangement drawing 0858-RFM-ZB-ZZ-DR-L-0002 P04.

There shall be no canopies, shelters, umbrellas or similar structures added to the roof terraces at any time.

Reason: In the interests of visual and residential amenity, in accordance with NPPF paragraph 130.

8.0 INFORMATIVES:

Notes to Applicant

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

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

Contact details:

Application Reference Number: 22/01281/REMM

Item No: 4c

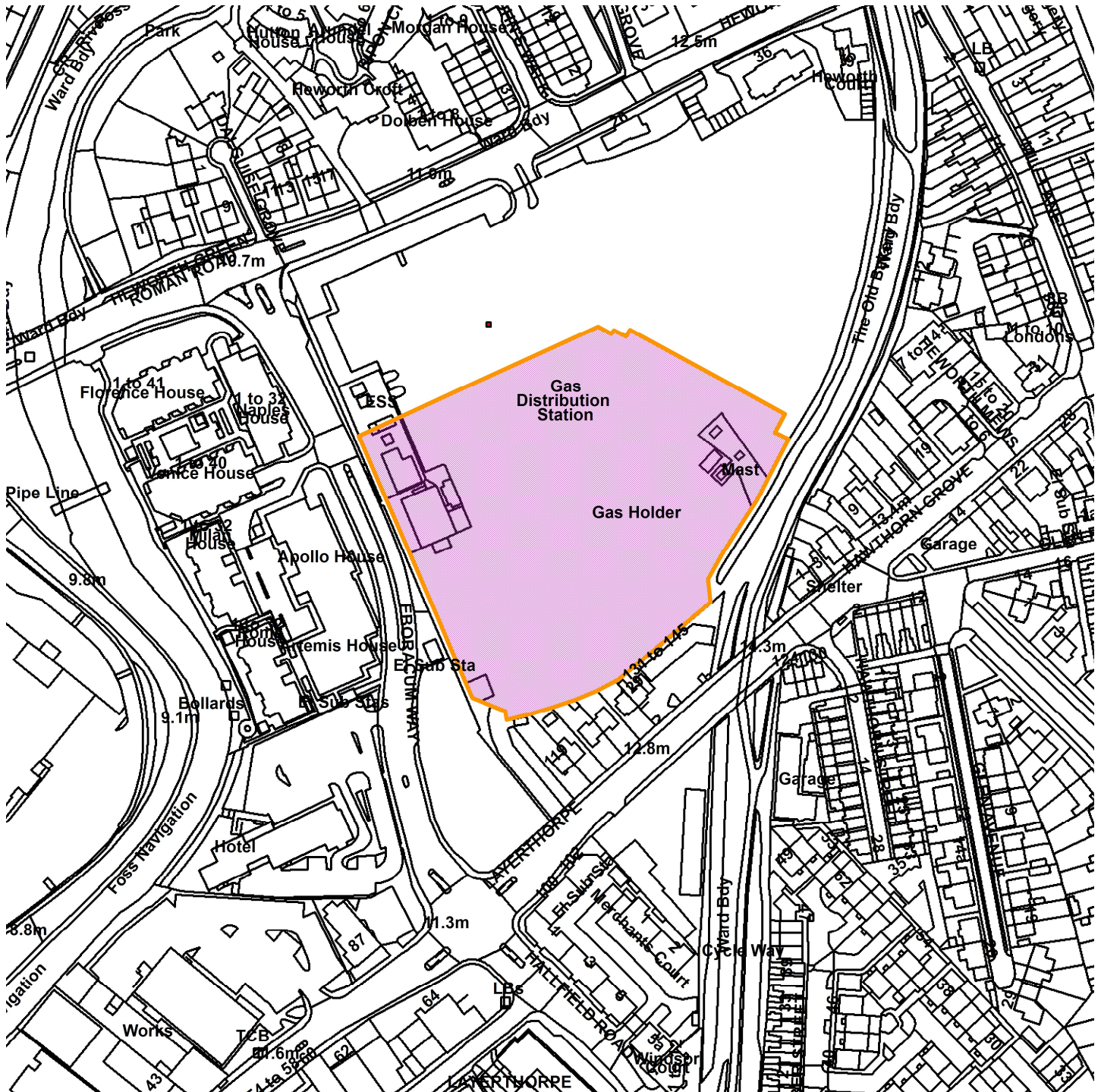
Case Officer: Jonathan Kenyon
Tel No: 01904 551323

Former Gas Works, Heworth Green, Zone B

22/01281/REMM



GIS by ESRI (UK)



Scale : 1:2284

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	18 October 2022
SLA Number	Not Set

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Planning Committee A

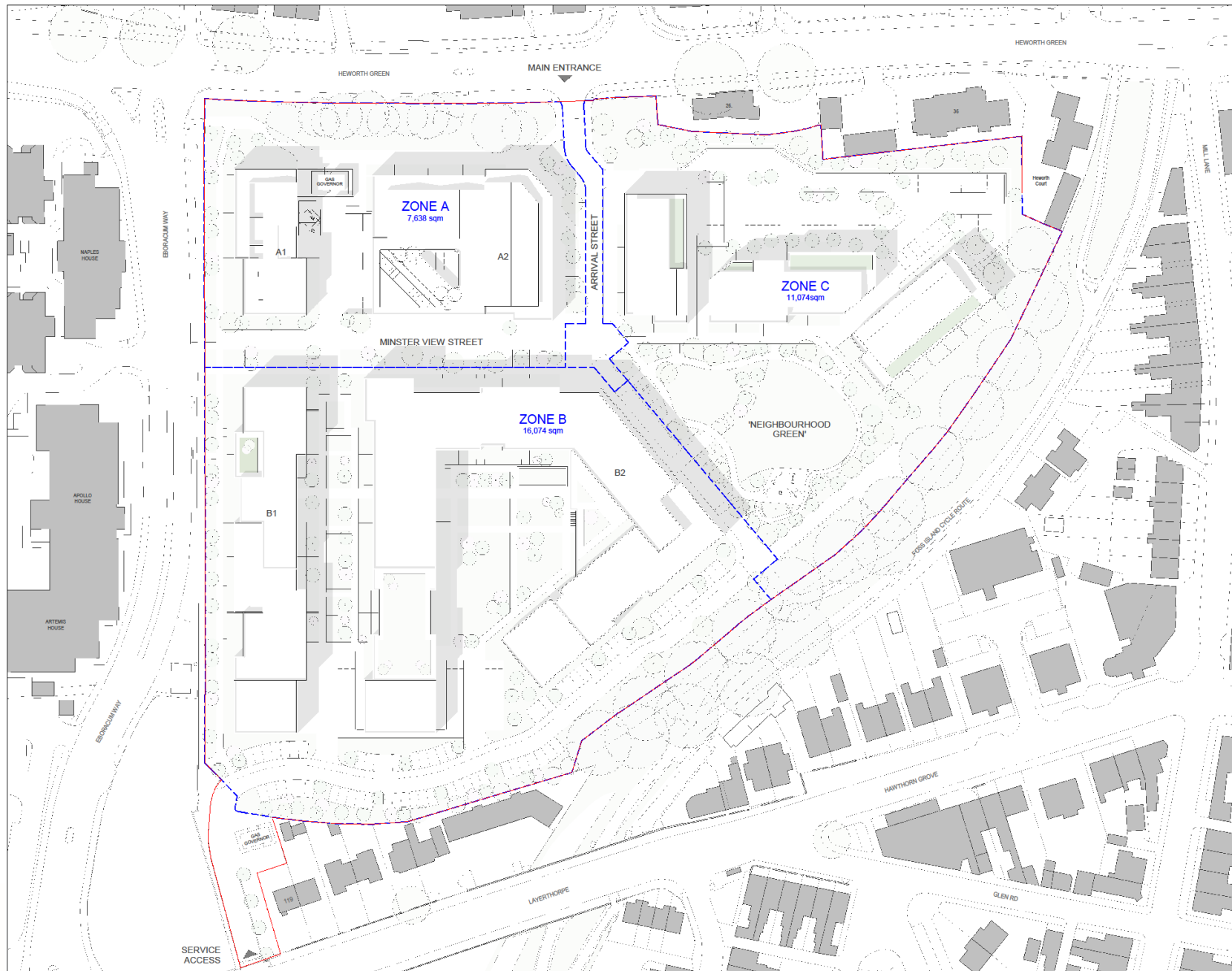
To be held on Thursday 3rd November 2022

22/01281/REMM - Former Gas Works, Heworth Green, York

Reserved matters application for details of appearance and landscaping for Zone B

Page 124

Illustrative Layout from Outline permission



LEGEND

- Planning Application Boundary
- Development Zone Boundary

revision	date	description
P 04	11.03.20	OUTLINE APPLICATION UPDATED - LEVEL 6 REMOVED
P 03	05.11.19	OUTLINE PLANNING UPDATE
P 02	18.04.19	OUTLINE PLANNING APPLICATION SUBMISSION
P 01	02.04.19	OUTLINE PLANNING APPLICATION REVIEW

dc-architecture
Studio 4, Midshiregate Business Park
5th, 6th & 7th Floors, 55, Bishopthorpe, York, YO23 2BD
t 01904 700941 e studio@dc-architecture.com



Horwath Green Residential Development
York

Illustrative Layout - Development Zones
ILLUSTRATIVE LAYOUT

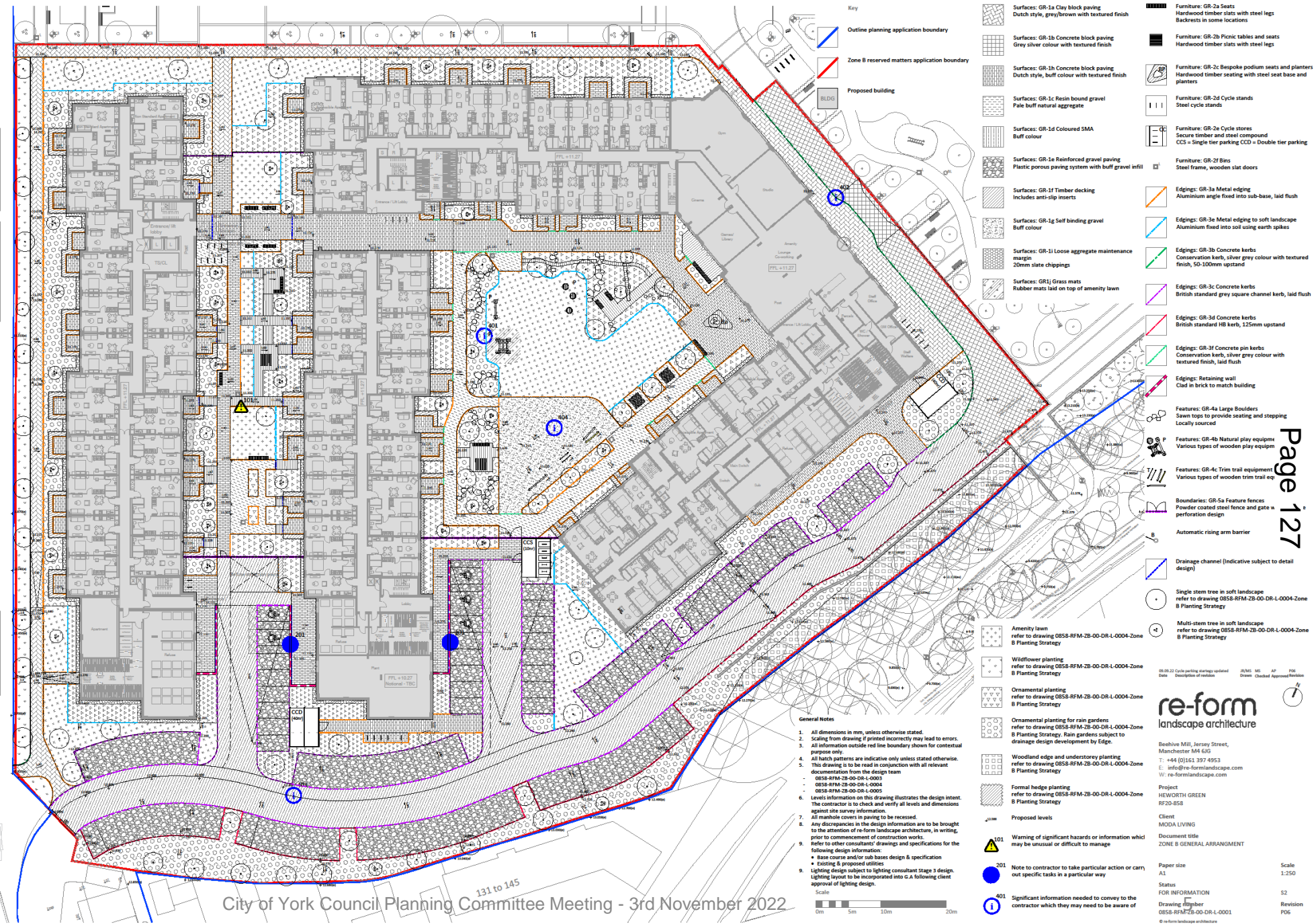


job number	date	status	drawing number	revision
18065	01/11/19	PLANNING	IS-106	P 04



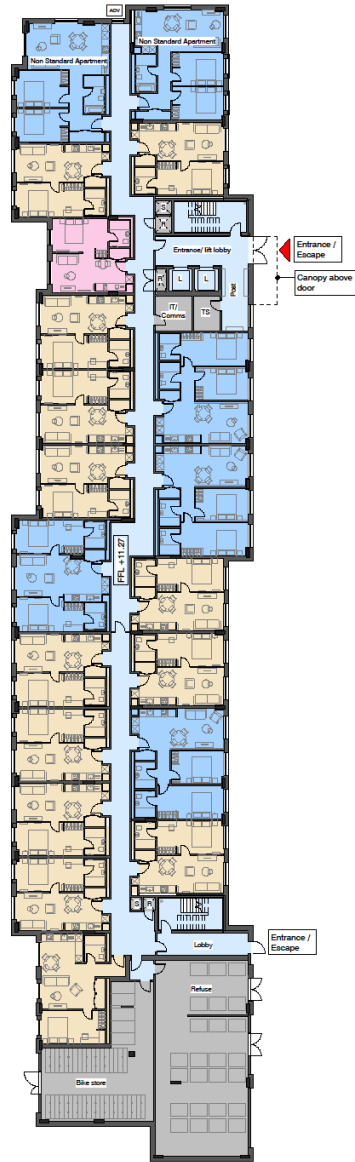
ILLUSTRATIVE LAYOUT - DEVELOPMENT ZONES

Site Layout Plan



City of York Council Planning Committee Meeting - 3rd November 2022

Ground Floor Plan



Building B1 Level 00
Scale: 1:200@A1



Building B2 Level 00
Scale: 1:200@A1

City of York Council Planning Committee Meeting - 3rd November 2022



NOTE:
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NOTE:
For information of Architectural Invent only, to be read in conjunction with information provided by the Design Team.

Key: Apartment Types

- 1 Bed 1 Person
- 1 Bed 2 Person
- 2 Bed 4 Person
- 3 Bed 6 Person
- Amenity

Revision	Description	Issued by	Date
P1	General Update	CH	11.01.21
P2	Client Review	CH	11.01.21
P3	Client Review	CH	11.01.21
P4	Planning Issue	CH	22.05.24
P5	Planning Issue	CH	22.05.26
P6	Issued for Information	CH	22.08.26
P7	Planning Issue	CH	22.09.02



Project Name:
Heworth Green, York

Drawing Title:
B1 B2 - Level 00 GA Plan

Drawing Number:
21040-FSL-ZZ-00-DR-A-2000

Revision: P7
Scale: as indicated
Drawn By: GH
Date: 14/04/22
Checked by: DSH

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Reason For Issue:
Planning **6**



First Floor Plan



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Key: Apartment Types

- 1 Bed 1 Person
- 1 Bed 2 Person
- 2 Bed 4 Person
- 3 Bed 6 Person
- Amenity

Revision	Description	Issued By	Date
01	Issue for Design		14/09/21
02	Issue for Design		14/09/21
03	Issue for Design		14/09/21
04	Issue for Design		14/09/21
05	Issue for Design		14/09/21

Scale: 1:200

Project Name: Heworth Green, York

Drawing Title: B1 B2 - Level 01 GA Plan

Drawing Number: 21040-FSL-ZZ-01-DR-A-2001

Revision: 05
Scale: 1:200@A1
Drawn By: M
Date: 14/09/21
Checked by: DM

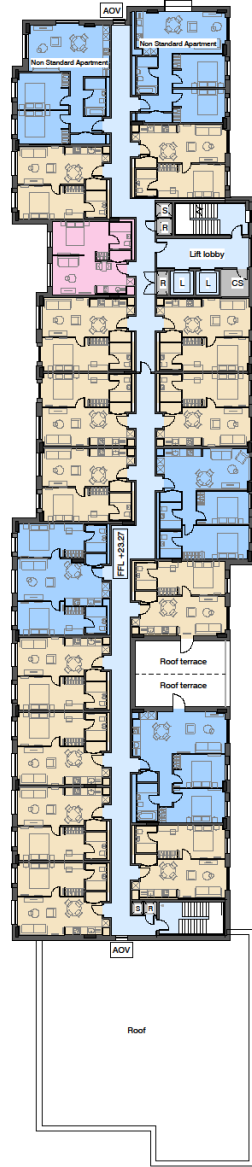
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Planning

fuse.



Fourth Floor Plan



Building B1 Level 04
Scale: 1:200@A1



Building B2 Level 04
Scale: 1:200@A1

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Key: Apartment Types

- 1 Bed 1 Person
- 1 Bed 2 Person
- 2 Bed 4 Person
- 3 Bed 6 Person
- Amenity

Revision	Description	Issued by	Date
P1	General Update	CH	22.02.21
P2	Client Review	CH	22.02.21
P3	Client Review	CH	22.02.21
P4	Planning Issue	CH	22.02.24
P5	Planning Issue	CH	22.02.26
P6	Issued for Information	CH	22.08.26
P7	Planning Issue	CH	22.09.02

Scale: 1:200

Project Name: Heworth Green, York

Drawing Title: B1 B2 - Level 04 GA Plan

Drawing Number: 21040-FSL-ZZ-04-DR-A-2004

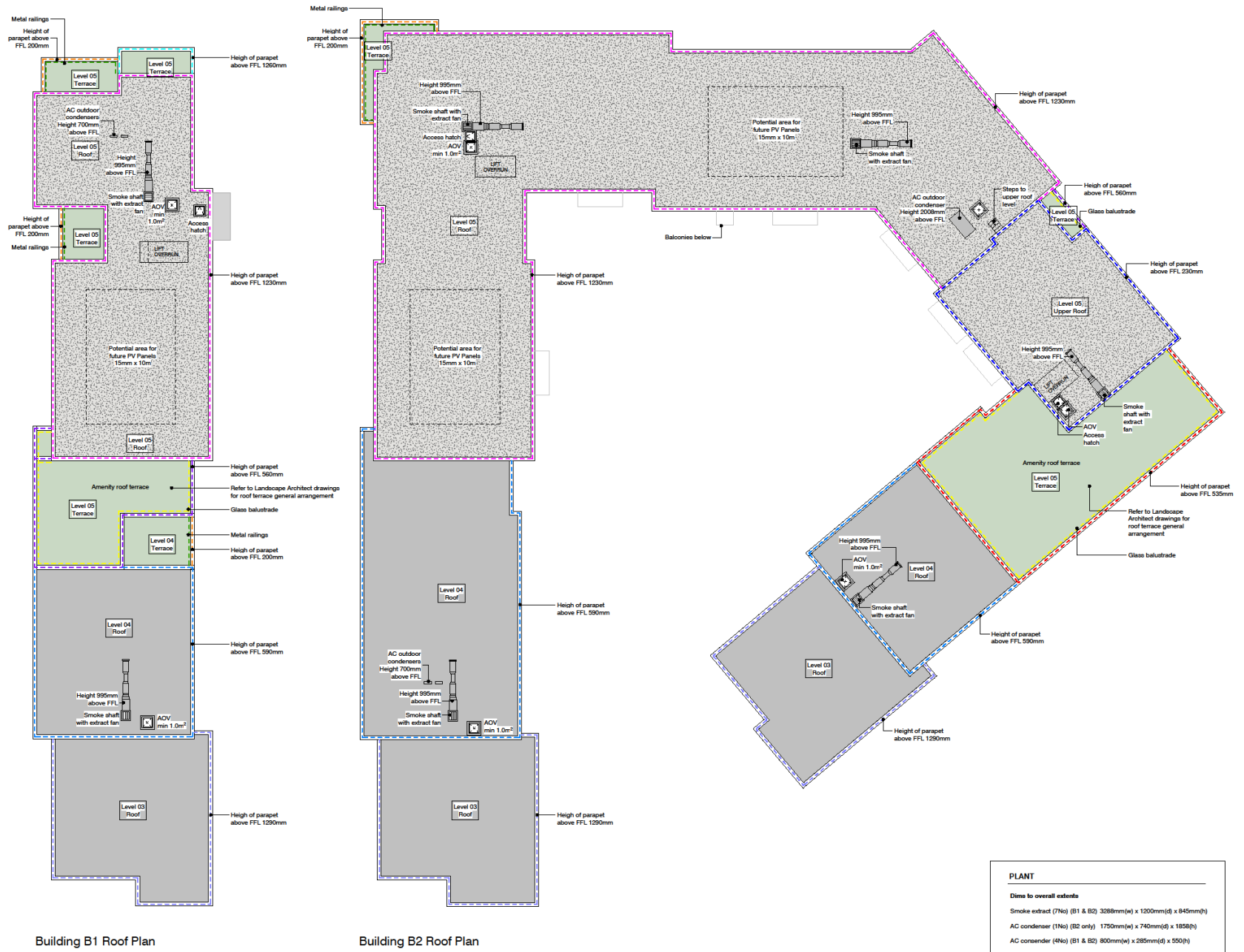
Revision: P7 Scale: as indicated
 Drawn By: IM Date: 14/04/22
 Checked by: DEH

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Planning



Roof Plan



Building B1 Roof Plan

Building B2 Roof Plan

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PLANT

Dims to overall extents

Smoke extract (7No) (B1 & B2) 3288mm(w) x 1200mm(d) x 845mm(h)

AC condenser (1No) (B2 only) 1750mm(w) x 740mm(d) x 1858(h)

AC condenser (4No) (B1 & B2) 800mm(w) x 285mm(d) x 500(h)

NB Heights shown on above plan allow for an additional height of 150mm upland from FFL for weatherproofing

NOTE: Contractor must verify all dimensions on site before commencing any work or shop drawings. If the drawings reflect the quantities taken in place with the Architect and be informed before the work is installed. Only figure dimensions to be taken from the drawings. Do not take off the drawings. Design and drawing content subject to Site Survey, Structural Survey, Site Investigation, Planning and Statutory Requirements and otherwise. Authorised reproduction from Ordnance Survey Map with permission of the Controller of the Her Majesty's Stationery Office.

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NOTE: For information of Architectural Inset only, to read in conjunction with information provided by the Design Team.

KEY

- Roof Type 1
Inverted roof with ballast
- Roof Type 1a
Inverted roof with landscaping
- Roof Type 2
Single ply roof

- Top of parapet above roof finish level 1230mm
- Top of parapet above roof finish level 1200mm
- Top of parapet above roof finish level 1290mm
- Top of parapet above roof finish level 590mm
- Top of parapet above roof finish level 550mm
- Top of parapet above roof finish level 230mm
- Top of parapet above roof finish level 200mm
- Glass balustrade
- Metal railings

Revision	Description	Issued by	Date
P1	Client Review	CH	21/10/22
P2	Planning Issue	CH	21/10/22
P3	Planning Issue	CH	21/10/22
P4	Planning Issue	CH	22/09/22

Project Name: Heworth Green, York

Drawing Title: B1 B2 - Roof Plan

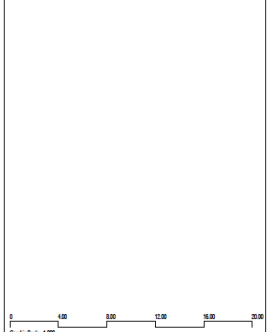
Drawing Number: 21040-FSL-ZZ-RF-DR-A-2006

Revision: P4 Date: 17/03/22

Drawn By: MI Date: 17/03/22

Checked by: DEH

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Project Name: Heworth Green, York

Drawing Title: B1 B2 - Roof Plan

Drawing Number: 21040-FSL-ZZ-RF-DR-A-2006

Revision: P4 Date: 17/03/22

Drawn By: MI Date: 17/03/22

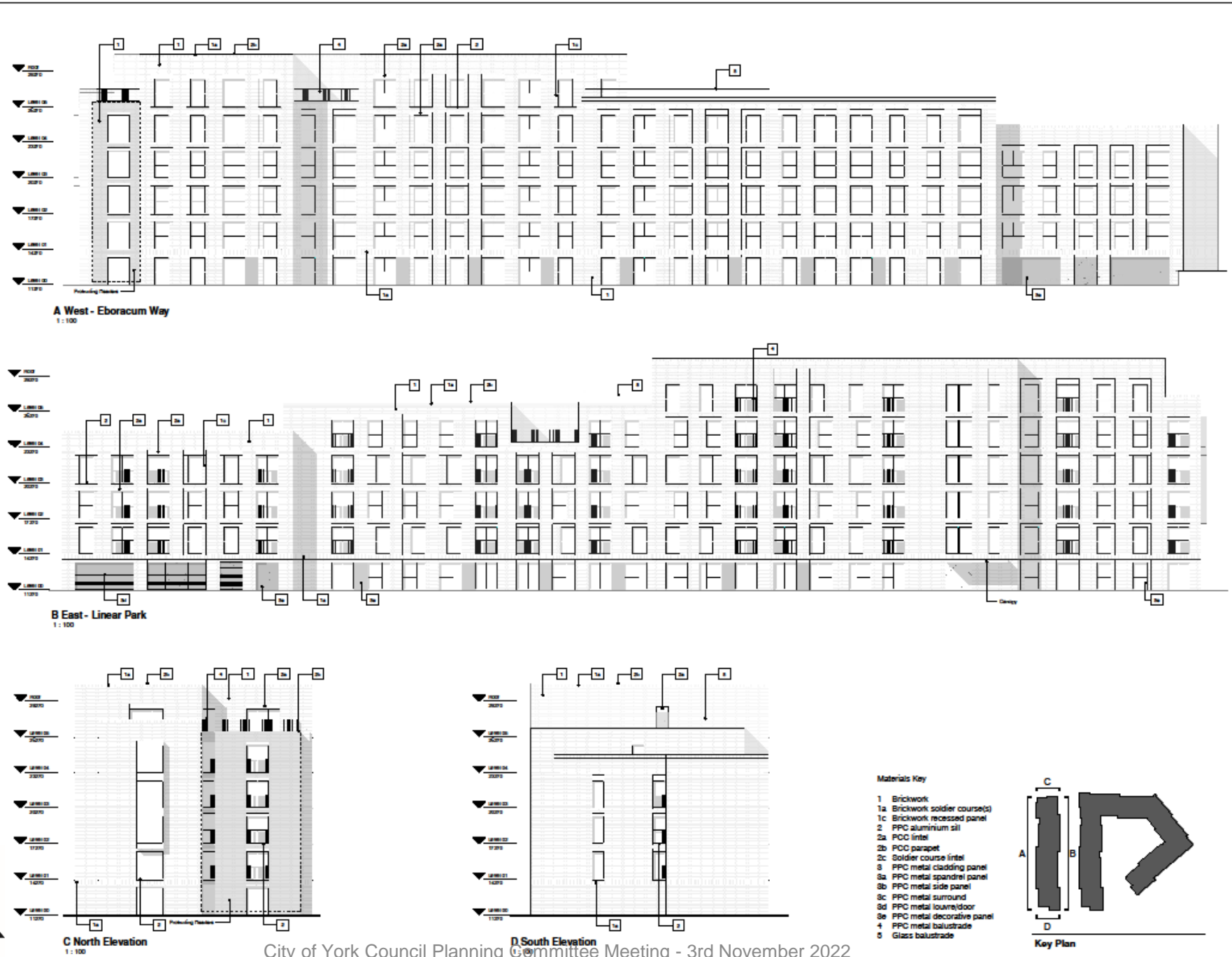
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Revision for Issue: Planning 10



Block 1 - Elevations



21040 - PSL - B1 - XX - DR - A - 2020

Project Name: 21040 - PSL - B1 - XX - DR - A - 2020

Project No: 21040 - PSL - B1 - XX - DR - A - 2020

Client: Heworth Green, York

Project Title: B1 - GA Elevations

Project Location: 114-116, Heworth Green, York, YO1 1 2LJ

Project Status: Planning

Scale: 1:100

Author: [Name]

Check: [Name]

Drawn: [Name]

Date: 03/11/2022

Revision: 1

Project No: 21040 - PSL - B1 - XX - DR - A - 2020

Project Title: B1 - GA Elevations

Project Location: 114-116, Heworth Green, York, YO1 1 2LJ

Project Status: Planning

Scale: 1:100

Author: [Name]

Check: [Name]

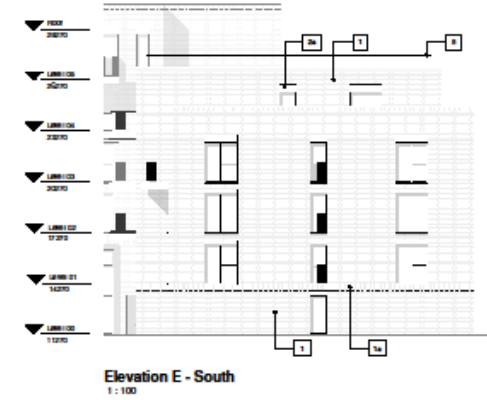
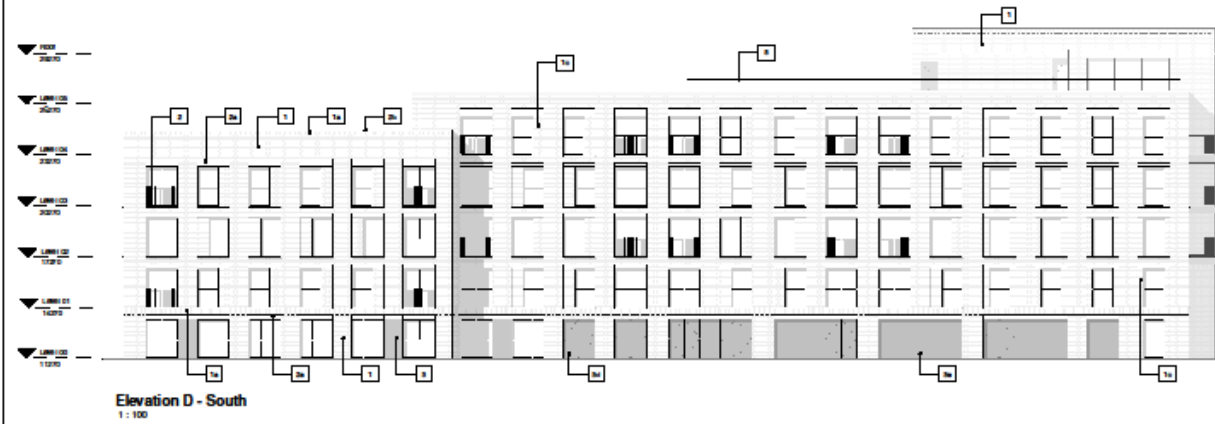
Drawn: [Name]

Date: 03/11/2022

Revision: 1

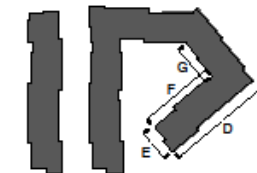
fuse.

Block 2 – Elevations (2)



Materials Key

- 1 Brickwork
- 1a Brickwork soldier course(s)
- 1c Brickwork recessed panel
- 2 PPC aluminium sill
- 2a PPC lintel
- 2b PPC parapet
- 2c Soldier course lintel
- 3 PPC metal cladding panel
- 3a PPC metal spandrel panel
- 3b PPC metal side panel
- 3c PPC metal surround
- 3d PPC metal louvre / door
- 3e PPC metal decorative panel
- 4 PPC metal balustrade
- 5 Glass balustrade



21040 - PSL - B2 - 101 - DR - A - 0021
 11th November 2022
 City of York Council
 Planning



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