



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

- To:** Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Hollyer, Kelly, Merrett, Nelson, Steels-Walshaw, Steward, Waudby and Whitcroft
- Date:** Thursday, 7 March 2024
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

- 1. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, Members and co-opted 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. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].
- 2. Minutes** (Pages 3 - 32)
To approve and sign the minutes of the Planning Committee A meetings held on 18 January 2024 and 8 February 2024.
- 3. 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 are set as 2

working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday 5 March 2024.

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.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

**a) St Peters School, Clifton YO30 6AB (Pages 33 - 80)
[22/02288/FULM]**

Erection of floodlit hockey pitch and tennis/netball courts, cricket nets, resurfacing and floodlighting to existing hockey pitch and associated access, car parking, coach drop-off, storage and landscaping [Clifton Ward]

**b) Enterprise Rent-a-car, 15 Foss Islands Road, (Pages 81 - 134)
York YO31 7UL [23/01647/FULM]**

Erection of 3, 4, and 5 storey student accommodation building with associated car parking and access following demolition of existing buildings [Guildhall Ward]

**5. British Sugar Corporation Ltd, Plantation (Pages 135 - 172)
Drive, York [23/02302/FUL]**

Variation of conditions of permitted application 15/00524/OUTM to alter green infrastructure, increase building heights, updates to detailed configuration of proposed Main Street access road, alterations to the drainage strategy and updates to approved illustrative phasing plan [Acomb Ward]

6. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

- Telephone: (01904) 552599
- Email: a.bielby@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Planning Committee A
Date	18 January 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Merrett, Nelson, Steward, Whitcroft, Melly (Substitute for Cllr Steels-Walshaw), Fenton (Substitute for Cllr Hollyer) and Widdowson (Substitute for Cllr Waudby)
In attendance	Sandra Branigan (Senior Solicitor) Becky Eades (Head of Planning and Development Services) Ian Stokes (Principal Development Control Engineer (Planning) Transport) Rachel Tyas (Development Management Officer)
Apologies	Councillors Hollyer, Kelly, Steels-Walshaw and Waudby

75. Declarations of Interest (16:33)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

76. Minutes (16:33)

Resolved: That the minutes of the last meeting held on 12 December 2023 were approved and signed as a correct record.

77. Public Participation (16:33)

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.

78. Plans List (16:34)

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the

proposals and relevant policy considerations and setting out the views of consultees and officers.

2a) Paddock Lying Between Park Lodge and Willow Bank, Haxby Road, York [20 02495 FULM] (16:34)

Members considered a major full application from the Joseph Rowntree Housing Trust for the erection of 117 dwellings, pumping station and substation together with means of vehicular and pedestrian access, associated parking, landscaping and open space at the Paddock lying between Park Lodge and Willow Bank Haxby Road, York. Head of Planning and Development Services gave a presentation on the plans. The Development Management Officer provided a written update which detailed an amendment to an error at paragraph 7.2 of the report that detailed the inclusion of a contribution towards improvements to sports facilities. It was clarified that the Section 106 Agreement would secure £40,000 towards extending the existing 20mph speed zone, £6,000 towards amending the Traffic Regulation Order (TRO) to be able to introduce the extension of the 20mph speed limit towards York city centre and 100% of the homes to be affordable.

Members then asked officers questions to which Officers clarified:

- Why a contribution to open space was not requested.
- The shared road surface on the eastern side of the site.
- The wildlife habitat was in the open space and would be secured by a condition.
- The amendment to Condition 31.

Public Speakers

Martina Weitsch spoke in objection to the application. She noted that she was in support of affordable social housing in principle but had concerns relating to the development in relation to the flood risk of the site, the sustainability of the development and the impact on traffic in adjacent areas.

Cllr Orrell (Ward Cllr), spoke in objection to the application. He explained that due to the number of extra new houses in the area, an extra development was not needed. He detailed his concerns regarding flooding and the overflow of sewage. In response to questions from Members, he explained that:

- The cause of the flooding was from the land retaining water, not from the river Foss.
- The issues with sewage in the area.

- Affordable and shared housing was suitable, however the land on the site was unsuitable for housing.
- The timeline of Local Plan and housing allocations, noting that since the Local Plan had been written climate change had accelerated. He added with the Secretary of State decision for 300 houses on New Lane there was an oversupply of houses.

Cllr Runciman (Ward Cllr), spoke in objection to the application. She explained the history of New Earswick as a garden village. She noted concerns about more development putting pressure on local services, including medical services and local schools needing more places. She noted that the field retained water and the roads in area were narrow, with existing parking problems. She asked why there was no S106 funding for the swimming pool and that the number of houses in the Local Plan had been exceeded. In response to Member questions she explained:

- Concerns regarding the number of new homes on healthcare services.
- There was an overprovision of sports provision in New Earswick and an under provision in surrounding areas.
- The process for the allocation of the site in the Local Plan.
- The sports teams that practised and played at New Earswick Sports Club.

The Applicant, David Boyes-Watson (Joseph Rowntree Housing Trust), spoke in support of the application. He explained that York had a housing crisis with affordable homes, and that the application site was allocated for residential housing. He explained the housing mix on the site and added that the development would contribute to sustainable housing and allow residents to make sustainable travel choices. He noted the 20mph zone on the site and that a third of the site was open space.

Members asked David Boyes-Watson a number of questions to which he explained that:

- The existing garages on the site were not in use and those in use were mainly used for storage. It was deemed that affordable housing outweighed the need for the garages.
- In respect of concerns regarding flooding, they had worked closely with the council flood risk officer. The site had to restrict the flow of water from the development and there was extensive water attenuation to the north of the site. There would be improvements to drainage on the site.
- Regarding the housing, a fabric first approach had been taken and air source heat pumps were to be used. The scheme could not bear the cost of solar panels. There would be double glazing and EV charging would be agreed through a condition.
- The six unallocated car parking spaces were located in curtilage spaces and were deemed to be the best place to locate those spaces.

- Water was held in an attenuation tank and Yorkshire Water had approved the plans.
- Phase 1 of the ground investigation had been undertaken and Phase 2 was in progress. The applicant was not aware that the site had previously been a tip.
- The Joseph Rowntree Housing Trust made a significant contribution to the Joseph Rowntree School. There had been a viability process and the Trust could not afford an education contribution.
- The cost of solar panels was several thousands of pounds per property.
- The previous percentage of affordable housing was 30% and it was always the intention to deliver 100% affordable housing.

[The meeting adjourned from 17:38 to 17:45]

The Head of Planning and Development Services was asked and outlined the status of the site in relation to and how it related to the Local Plan and other related policies. Members were referred to section 6.7 of the report onwards. The Head of Planning and Development Services explained that:

- The application site was located the Green Belt and would therefore need very special circumstances approve it. In addition to the harm to the Green Belt by reason of inappropriateness, it was considered that the proposal would lead to a degree of harm to its openness.
- There were unresolved objections in relation to the principle of the development of the site therefore limited weight should be applied to policies H1 and SS18. However, the evidence upon which the allocation relied on was material and could be afforded significant weight.
- The Council was unable to demonstrate a 5-year housing land supply and, in this context it is considered that significant weight should be given to the provision of new housing. Also, the shortfall of affordable homes in the York area, significant weight is given to the ability to deliver 117 affordable homes on the site.
- The site allocation has been based on comprehensive evidence with the allocation and it was considered in the round that the provision of 117 affordable new homes are considered to amount cumulatively to 'very special circumstances' that clearly outweigh the harm to the Green Belt and any other harm as a result of development.

Members asked further questions of officers. Officers clarified that:

- The site was not a strategic site and therefore the policy for travellers pitches was not applicable.
- Since the application was made in 2020 it had reached a point where there had been a viability assessment and it was not viable to make a contribution to healthcare. The site was not a strategic site in the Local Plan, and this had been balanced, and there was no request for a

healthcare contribution as it was known it was not viable. Policy HW5 stated that the assessment of accessibility and capacity of existing primary and secondary care services would be required at the application stage for all residential strategic sites and as this was not a residential strategic site it wasn't deemed necessary to require that assessment. The Senior Solicitor explained that therefore this was not a material consideration as the policy did not call for a healthcare contribution for a non-strategic site.

- Concerning there being a transport contribution and no education contribution, it was needed to be considered that the development was 100% affordable housing and the contribution to education would not have had the same mitigation.
- Travel through the site was demonstrated to Members, including pedestrian and cycle links through the site. Regarding disabled car parking there was no information as to whether any properties would be enhanced access and when the highway would become adopted there was a process for allocating disabled parking.
- The widening of the footways and lowered boundaries on the site improved permeability through the site.
- Access to public transport was through bus stops to the north and south of the site and a contribution was sought to reduce the speed limit. There was a modified crossing in the middle of the site and the crossings were deemed necessary to meet the three tests of the NPPF.
- The additional wording to condition 31 provided the evidence for the travel plan.
- Condition 38 detailed EV charging for 100% EV and charging for EV and hybrid vehicles could be added as an informative.
- The applicant had offered the roads for adoption and this was included in a condition.
- Regarding the hectareage of the site for traveller provision, the size of the site was taken from the applicant.
- Detail on water attenuation was given and consultees for drainage were satisfied with the drainage solutions.
- A measure to reduce parking on green space had not been considered before.
- Clarification was given on the drainage of foul and surface water. It was noted that Yorkshire Water had not objected to the application. Water discharge rates could be controlled.
- The wetland area would be retained to attract birds.
- Education colleagues were aware of the planning balance that development management colleagues made and an explanation on the weight given to different aspects and balance of the application was given.

[The meeting adjourned from 18:37 to 18:45]

- Policy HW5 covered a number of issues, for example it stated that the council would support the provision of new or enhanced primary and secondary care services in line with the national policy framework. It also stated that a developer contribution would be required in support of the increase in provision. Following this it stated that an assessment of the accessibility and capacity of existing primary and secondary care services would be required at the application stage for residential and strategic sites. This application had not got to that stage because it was not a residential strategic site, hence why at that point officers had made an assessment and had not engaged with the developer at the start of the application process. As the application progressed it became clear that the site had viability issues and as such, officers had then not sought further a further evidence base knowing that there were viability issues at the site. There was a difference in the interpretation of the policy. Officers would consider looking at an assessment of the accessibility and capacity of existing primary and secondary care services for future applications.

Following debate, Cllr Whitcroft moved the officer recommendation to approve the application subject to the conditions within the report, condition 31 as detailed in the additional information and an amendment to condition 38 for hybrid and EV. The motion was seconded by Cllr Nelson. On being put to a vote, with seven votes in favour, two against, and one abstention, it was:

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

1. Refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to:
2. The completion of a Section 106 Agreement to secure the following planning obligations:
 - £40,000 towards extending the existing 20mph speed zone along Haxby Road/Hawthorn Terrace from outside Joseph Rowntree School, southwards a distance of approximately 300m to join with the existing 20mph zone just to the north of Cherry Tree Avenue

- £6,000 towards amending the Traffic Regulation Order (TRO) to be able to introduce the extension of the 20mph speed limit towards York city centre stated above
 - £57,297 to be spent on improvements to sports facilities at New Earswick Sports Club, New Earswick and District Indoor Bowls or Huntington Sports Club.
 - 100% affordable housing provision.
3. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
 4. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions as set out in the report.

5. Amended Condition 31 (Travel Plan)

No part of the development shall be occupied until a Travel Plan (based on the submitted North of Willow Bank, New Earswick, York, Travel Plan, December 2020) has been submitted and approved in writing by the LPA. The submitted Travel Plan shall include an action plan with measures, indicative targets and costings where appropriate. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely.

6. Amended Condition 38

A strategy for the provision of EV **and hybrid vehicle** charging facilities on the site shall be agreed in writing with CYC prior to commencement of development and shall be implemented in accordance with the approved details prior to first use of the development hereby permitted.

- Charging points to be located in a prominent position

on the site and to be for the exclusive use of zero emission capable vehicles. Parking bay marking and signage shall reflect this.

- The EV charging strategy shall confirm that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address charge point fault resolution.

Reason: To ensure provision of EV charging facilities in line with the National Planning Policy Framework (NPPF) and CYC's Low Emission Planning Guidance.

Reasons:

1. The scheme has been designed to represent an extension of New Earswick rather than a stand-alone development, with the design principles picking up on the spatial pattern and landscape features that are inherent to the defining principles established in the design of the original Garden Village. Buildings are arranged in small terraces of 3, 4 or 5 and semi-detached blocks similar to the existing urban grain of New Earswick. Officers consider that the scheme, through its layout, scale, massing, use of materials and detailing, creates a relationship between the site and the original Garden village and therefore respects local character. It is also not considered that it would detract from the character or appearance of the adjacent Conservation Area.
2. In terms of landscaping, the scheme involves the retention of the broad open space to the east of the site, the inclusion of a new area of equipped play space, the safe retention of the line of mature trees along the northern boundary and good landscape design within the housing complex, which includes generous tree planting and a central greenway which provides a good connection between the Haxby Road roundabout and the open space. Accordingly, Officers consider that the scheme sufficiently retains the critical GI credentials of the application site. Furthermore, it is considered that the recommendations detailed within the ecological appraisal and revised landscape masterplan will have a beneficial impact on habitats and biodiversity in providing ecological enhancement. These recommendations and proposals for biodiversity enhancement will be secured via conditions.

3. In respect to highway matters, suitable numbers of (unallocated) car parking spaces are provided, and each dwelling would have an external store for two bikes. Good pedestrian and cycling links are provided from and through the site including a segregated cycle-track / footway on the east side of Haxby Road between Park Lodge and Willow Bank. As part of the scheme and as a means to encourage more active travel to and from the site and enable safer cycle journeys, the existing 20mph speed zone along Haxby Road would be extended. The site is located adjacent to Haxby Road where there is a regular bus service.
4. The layout of the scheme has been designed so as to secure a good standard of amenity for future residents. All the properties are set back from the road behind defined front gardens and also have access to private rear gardens – the blocks of flats have communal gardens. The provisions of gardens results in sufficient distances between dwellings to ensure the proposal does not give rise to unacceptable levels of overlooking, overshadowing, or overbearing. In terms of the impact on existing residents who live close to the site, separation distances and the existing and supplementary hedge and tree boundaries proposed are such that no harm would be caused to their amenity.
5. A review of the Financial Viability Assessment demonstrates that viability is a material consideration in this case and that the proposed 100% affordable housing scheme is unable to provide any S106 contributions towards meeting the need for pre-school, primary and secondary places. This is balanced against the contribution this development would make towards meeting the significant need for affordable homes, a high proportion of which are 2 and 3 bedroomed.
6. Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, design, landscape, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.

7. The application site is located within the general extent of the York Green Belt and as such is assessed against paragraph 152 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations.
8. In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would lead to a degree of harm to its openness. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.
9. There are unresolved objections in relation to the principle of the development of the site therefore limited weight should be applied to policies H1 and SS18. However, the evidence upon which the allocation relies is material and can be afforded significant weight.
10. The City Council is unable to demonstrate a 5-year housing land supply. In this context it is considered that significant weight should be given to the provision of new housing. Furthermore, given the shortage of affordable homes in the York area, significant weight is given to the ability to deliver 117 affordable homes on the site.
11. It is considered that the site allocation in the DLP 2018, the comprehensive associated evidence on which the allocation of the site relies and the provision of 117 affordable new homes are considered to amount cumulatively to 'very special circumstances' that clearly outweigh the harm to the Green Belt and any other harm as a result of development.
12. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green

Belt, and the proposed floorspace would be in excess of the 1000 sqm threshold set out in the Direction.

Cllr J Crawshaw, Chair

[The meeting started at 4.30 pm and finished at 7.22 pm].

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Meeting	Planning Committee A
Date	8 February 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Hollyer (until 6.15pm), Kelly (joined the meeting at 4.31pm), Merrett, Nelson (joined the meeting at 4.31pm), Steels-Walshaw (until 4.31pm), Steward, Waudby (joined the meeting at 4.31pm, Whitcroft (joined the meeting at 4.31pm, Baxter (Substitute for Cllr Kelly, left the meeting at 4.31pm), Melly (left the meeting at 3.12 and rejoined at 4.31pm, (Substitute for Cllr Nelson until 4.31pm, Substitute for Cllr Steels-Walshaw from 4.31 until end of meeting), Fenton (Substitute for Cllr Waudby, left the meeting at 4.31pm) and Wilson (Substitute for Cllr Whitcroft, left the meeting at 4.31pm)
Apologies	None
In Attendance	Becky Eades (Head of Planning and Development Services) Ruhina Choudhury (Senior Solicitor) Helene Vergereau (Head of Highway Access and Development) Tony Clarke (York Central Highways Lead) Louise Milnes (Development Management Officer) Lindsay Jenkins (Development Management Officer) Erik Matthews (Development Management Officer) Natalie Ramadhin (Development Management Officer)

The Chair welcomed all to the meeting. He explained there would be a number of substitutions at the meeting. From 2.30pm, Cllr Wilson would substitute for Cllr Whitcroft (who would arrive at 4.30pm), Cllr Melly would substitute for Cllr Nelson (who would arrive at 4.30pm), Cllr Baxter would substitute for Cllr Kelly (who would arrive at 4.30pm), and Cllr Fenton would substitute for Cllr Waudby (who would arrive between items). From 4.30pm, Cllr Melly would substitute for Cllr Steels-Walshaw.

79. Declarations of Interest (2.37pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Regarding agenda item 4a BHE Self Storage [23/02117/FUL], Cllr Fisher undertook to withdraw from the meeting for that application as it had been discussed at a Strensall with Towthorpe Parish Council meeting. Cllr Merrett noted that he was a member of York Cycle Campaign, York Bus Forum and previously a member of York Civic Trust had had no involvement with their submissions for applications.

80. Minutes (2.38pm)

Resolved: That the approval of the minutes of the meeting held on 18 January 2024 be deferred to the next meeting.

81. Public Participation (2.38pm)

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.

82. Plans List (2.38pm)

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.

[Cllr Fisher left the meeting at 2.38pm]

2a) BHE Self Storage, Self Storage Facility, Lambshill Towthorpe Moor Lane, Strensall, York [23/02117/FUL] (2.39pm)

Members considered a full application from Simon Dunn for the Change of use of agricultural land to the siting of 104 storage containers (use class B8) - retrospective (resubmission) at BHE Self Storage, Self Storage Facility, Lambshill Towthorpe Moor Lane, Strensall, York.

The Head of Planning and Development Services gave a presentation on the application. The Development Management Officer gave an update on additional information for the application noting that an additional letter of support had been received, the drainage strategy had been received and an updated Ecologist response had been received. The additional

information had been assessed and the Officer's recommendation remains for refusal on grounds 1 and 2 as set out in the public report. Refusal reason 3 could be adequately addressed via condition, therefore refusal reason 3 was deleted.

Simon Dunn, the Applicant, spoke in support of the application. He explained the history of the storage facility and the work of the Investment Manager. He explained that the loss of income from subsidies resulted in a need to diversify. He added that he had received support from the MoD and explained the background to the increase in the storage containers. He noted that if he couldn't subsidise the conservation farming, it would no longer continue.

Members then asked officers questions to which they confirmed that: There were no changes to the access road but it would be conditioned to highways specifications.

- Parking and turning could be subject to conditions.
- Officers had looked at the balance and did not think that the very special circumstances outweighed the harm

Cllr Steward moved the officer recommendation for refusal for the reasons outlined in the additional information. This was seconded by Cllr Melly. On being put to the vote with nine voting in favour and one against, it was:

Resolved: That the application be refused.

Reasons:

1. The application site is within the general extent of the Green Belt. In accordance with paragraph 152 of the National Planning Policy Framework (NPPF), the proposed development constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside and to preserve the setting and special character of the city. The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms (adverse impact on landscape character and visual amenity and insufficient drainage information) when substantial weight is given to the harm to the Green Belt. Very special circumstances

do not exist to justify the proposal. The proposal is therefore contrary to Section 13 of the NPPF and policy GB1 of the Draft Local Plan (2018).

2. The change in the character and appearance would sit at odds with its immediate context and would detract from the rural context of the surrounding area. The proposals could not be integrated satisfactorily into the landscape without some erosion of its rural character or coalescence of development that would undermine the prevailing open character and appearance. The 2.1 metre high close boarded timber fence that has been erected to the northern boundary of the development is of a domestic appearance and is considered jarring and incongruous in this location. Therefore, it is considered that the proposal would unacceptably harm the character and appearance of the area and fails to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, and therefore would conflict with Section 12 of the NPPF Policies D1 and D2 of the Draft Local Plan (2018) which similarly expect proposals to respect or enhance the local environment.

[The meeting adjourned from 2.55pm to 3.02pm]

[Cllr Fisher returned to the meeting at 3.02pm]

83. Agricultural Land to the South of Low Moor Lane, Hessay, York [23/00626/FULM] (3.02pm)

Members considered a major full application from Neil Foxall for the installation of a solar farm and associated infrastructure, including control station, DNO substation, access tracks, inverters and other auxiliary infrastructure on agricultural land to the south of Low Moor Lane, Hessay, York.

The Head of Planning and Development Services gave a presentation on the application. She was asked and demonstrated where the buildings were on the plan and in the photos. The Development Management Officer gave an update on additional information for the application noting there had been two additional representations in objection to the application and that there were amendments to conditions 13 and 16.

Peter Rollings (Chairman of Rufforth with Knapton Parish Council) spoke in objection to the application, He explained that the solar installation was

deemed inappropriate development in Green Belt. He noted that the solar farm would link Rufforth and Hessay with a mass of industrial equipment and would affect the view. He added that the site was not identified for a solar farm on the local area energy plan. He added that there were no very special circumstances and there was a more suitable site in the parish at Harewood Whin. He asked the committee to approach the site in a strategic manner and urged refusal of the application or deferral so that this site and Harewood Whin could be considered at the same time. He also noted concern about the impact of construction traffic.

In response to Member questions he explained that it was the Parish Council's understanding that there was only sufficient grid capacity for one site. The Development Management Officer was asked and explained that it was not a straightforward issue of whether one or both of the solar farm schemes could go ahead. He added that there was a possibility that National Grid may seek funding arrangement from both the developers in order to increase grid capacity, in which case both schemes could be implemented.

[At 3.12pm Cllr Melly sought legal advice from the Senior Solicitor regarding future funding arrangements and following this advice she withdrew from the meeting at 3.13pm]

Richard Morgan, the Applicant, spoke in favour of the application. He introduced Solar 2, the company behind the application and thanked the planning department for their work on the application and balanced report. He explained that Hessay solar farm was a sensitively designed scheme that would deliver green energy to the local grid within two years. He added that it would deliver electricity to 13000 homes in York. He noted that there had been no objections apart from the Parish Council and the application complied with local and national planning policies. He noted the consultation that taken place and explained how the application linked to council policies.

Richard Morgan was asked a number of questions from Member to which he responded that:

- The grid connection would be 40 megawatts and the yield would be different to that. Under planning they could build up to 49 megawatts.
- Concerning native tree planting around the boundary, they were content through the condition process that that they could introduce different trees.
- There was a full grid offer to link into Poppleton and it was explained why Hessay was chosen as the site for the solar farm.
- Regarding clearing the site at the end of the 40 year period it is not known at the present point how this would be undertaken. The Chair

noted that there was a condition to ensure the site would be cleared and he added that finance was not a consideration. It was clarified that this was condition 20.

- The carbon payback for the manufacture was two years. The Head of Planning and Development Services drew Members' attention to condition 40.

In response to a question from a Member, the Head of Planning and Development Services noted that the Local Plan did not allocate sites for solar farms. She was asked and explained that there were no allocated sites for solar farms but there was for employment and residential sites. The Senior Solicitor was asked and explained that the Committee had to look at the application before it on its merits and that the potential of permission being granted for other sites is not relevant to this application.. When asked if there was a shortfall of sites, the Head of Planning and Development Services explained that solar farms were not treated the same as housing sites. The Chair drew Members attention to paragraph 5.45 of the published report.

The Head of Planning and Development Services read out policy CC1 and noted the six points that proposals would need to relate to. A Member noted that policy CC1 also included a reference to renewable energy. The Head of Planning and Development Services noted that section 11.4 of policy CC1 referred to a 2014 council renewable energy study. Members were advised that they needed to give weight to the Local Plan, evidence base of the Local Plan, and other considerations.

A Member noted that condition 14 detailed the decontamination of the site and he asked why there was no financial plan. The Head of Planning and Development Services noted that the condition needed to be reasonable and was a standard condition for reverting the site back to its original condition. She clarified that officers felt that the conditions were reasonable. Asked about Northern Powergrid deciding which site to connect to (Hessay or Harewood Whin) the Development Management Officer clarified that the Applicant when addressing the Committee stated that the provider has confirmed the grid connection and he noted that prior to the meeting he had not been aware of this. The Senior Solicitor advised that this was new information and it was unknown which site the provider would work with. She was asked and clarified that some weight could be given to this.

The Head of Planning and Development Services advised that in the Local Plan there were no sites allocated for renewable energy but the 2014 council renewable energy study identified potential sites. This study was included as evidence for the Local Plan and Members needed to consider

the evidence base and the evidence base that had been taken out of the Local Plan. The Chair noted national policy as detailed in paragraph 5.45 of the published report.

At this point, Cllr Ayre proposed deferral of the application. This was seconded by Cllr Steward. The Senior Solicitor advised that the Constitution required the officer recommendation to be tested before a further motion could be made.

Following debate, Cllr Merrett moved the officer recommendation to approve the application. The motion was seconded by Cllr Baxter. On being put to a vote, with six votes in favour, two against, and one abstention, it was:

Resolved: That the application be approved following the Secretary of State Decision.

Reason:

1. The proposal for the construction of a solar farm to produce 49.9 MW of electricity per annum over a 61-hectare site lying between Hessay and Rufforth is acknowledged to be inappropriate development within the Green Belt. However, subject to appropriate conditions the proposal is felt to be acceptable in terms of flood risk and drainage, aviation safety, biodiversity, residential amenity and transportation and access. It is felt that the clear environmental benefits when put in the context of the declared climate emergency of generation of a significant quantity of renewable energy outweighs the harm to the openness of the Green Belt and the localised harm to the adjoining landscape character. The proposal is therefore felt to be acceptable in planning terms.
2. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 (“the 2021 Direction”) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed floorspace would be in excess of the 1000 sqm threshold set out in the 2021 Direction.

[Cllrs Wilson, Baxter, Fenton and Steels-Walshaw left the meeting at 4.13pm]

[The meeting adjourned from 4.13pm until 4.31pm]

[Cllrs Whitcroft, Nelson, Kelly, Melly and Waudby joined the meeting at 4.31pm. At this point, Cllr Melly became the Substitute for Cllr Steels-Walshaw]

**84. Limetrees, 31 Shipton Road, Clifton, York YO30 5RE
[23/01217/FULM] (4.32pm)**

Cllr Waudby declared that she was a Ward Councillor for Clifton with Rawcliffe and a Member of Clifton Parish Council and had not taken part in any decision making regarding Limetrees.

Members considered a major full application from Mr Garton, Ms Stubbs and Mr Elliot for the erection of a 60no. bed care home (Use Class C2) with associated parking, landscaping and access following the demolition of existing buildings and the creation of new sports pitches for use by York Sports Club at Limetrees, 31 Shipton Road, Clifton, York.

The Head of Planning and Development Services gave a presentation on the application. In relation to Sport England's concern about stray balls, clarification was given on the location of the cricket pitches. Sport England's concern was read out and it was clarified that this applied to all pitches. Referring to the speed of balls being fielded by national and international teams using the pitches, a Member was advised that this was a question for the speaker from the cricket club. The Management Officer read out the additional information on the application noting additional representation from an occupier of Fairway, the council Ecologist response and the Sport England objection. The responses from statutory consultees were noted and suggested amendments to conditions 2 and 13 were detailed.

Gary Craig spoke in objection to the application for environmental reasons. He expressed concern regarding the felling of mature trees, that the mature saplings on the footpath to Clifton Park Avenue not be removed and fencing effectively cutting off residents of the care home. He noted that the number 2 bus did not stop outside and asked how this would be addressed. He further expressed concern regarding the impact of not enough parking and concern about ridge and furrow on the site.

Tom Robinson, the Agent for the Applicant, spoke in support of the application. He explained that the application was by York Care Homes, NHS Property Services and York Sports Club He detailed the accommodation in the care home and noted that there was a shortfall of 350

care beds creating a need for those beds. He explained the very special circumstances and noted that a parcel of land would be given to York Sports club and the benefits of this were detailed. He added that there would be 41 new trees with TPO trees being replanted. He outlined the landscaping and referring to ball strike he added that there had been no comment from the ECB.

In response to Member questions he explained:

- The number of car parking spaces was linked to the impact on trees and there was a balance to this. In terms of sustainability, the Applicants wanted to reduce car use and the site was walkable and cyclable. The sports pitches were added to relieve the pressure on the sports club by giving existing members more space to play.
- The concern regarding ball strike was related to the sports pitches not the car home.
- The outer boundary was untouched and the inner boundary had changed.
- The new playing pitches to the north of the site would be viewable by residents of the care home and there was one point of access for security.
- Five trees were being removed and the TPO trees that were removed were replaced by the previous owners of the site. The planting was explained and it was noted there was a condition for a detailed landscape plan. It was not known whether the felled trees would be used as material. The replacement of the felled lime trees was on the advice of arboriculture consultants.
- An ornithologist survey had been undertaken and bats would be protected.
- Thought had not been given to the installation of swift bricks. Officers advised that this could be added as an informative.
- There could not be more than two blue bade spaces because of the trees.

Kevin Johnson, Manager of York Sports Club, spoke in support of the application. He explained how he had been involved in York Sports Club for 28 years and explained that as Manager he was excited about opportunity of providing more sports and training grounds. He explained that the sports club is on a flood plain and when flooded how this limited the use of the existing pitches and teams. He added that the club was trying to increase the quality of the sports pitches for all teams and there would be a focus on the participation of girls teams. He noted the benefits of the new pitches.

Members asked Kevin Johnson a number of questions to which he explained:

- How the pitches were used.

- Regarding the concerns about ball strike, there wouldn't be training on during a cricket match and this wouldn't be allowed under the club's own health and safety rules.
- There was no objection to netting from the club.
- Regarding retaining ridge and furrow, this had been looked but couldn't be retained because of the shape of the land. He added that outside of the pitch areas could be retained.
- There was a fair amount of parking on the site and a parking agency was employed for bog events. The extra pitches would help parking as there would be the ability to have playing and training during the week.

[The meeting adjourned from 5.28pm until 5.33pm]

Members then asked officers questions to which they responded:

- There could be a condition for the cricket pitches. There was already a condition for netting for the rugby union pitch would could either be added to, or a new condition regarding cricket pitch netting could be added.
- Regarding paragraph 5.38 of the published report, the playing pitch strategy was city wide and the open green space infrastructure update was linked to the playing pitch strategy. The very special circumstances related to using an area of land for an existing sports club.
- The number of parking spaces had reduced from 34 to 28 because of the impact on trees and protected trees.
- Highways officers felt that parking was sufficient and this was explained why.
- Regarding the number 2 bus not stopping at the site, the bus routes near the site were outlined. The last time of the no 2 bus was noted.
- Regarding the green belt and brownfield land on the site, The Head of Planning and Development Services showed the existing elevations on the screen and showed the difference in openness of the existing and proposed buildings. She explained that sports club and buildings were taken out of the green belt and the sports pitches were left in due to the openness and she noted that the area was allocated as a green wedge.
- It was confirmed that council housing officers had been consulted on the application and that the local housing needs assessment addressed housing deficits.
- It was clarified that the site was not in the boundary of the conservation area.
- Regarding sustainability measure, officers noted this was included at paragraph 5.114 of the published report.

- Regarding the consideration of biodiversity net gain, the Ecology officer had looked at the report and highly commended ecology on the site.

During debate, officers were asked and clarified that a percentage of affordable care homes could not be requested. They also clarified that regarding ball strike, planning permission was not needed for netting less than 2m and would be for 3m netting with a base. Therefore there was enough scope in permitted development rights for netting up to 2m.

Following debate, Cllr Whitcroft moved the officer recommendation to approve the application subject to the conditions listed in the additional information and amendments to the final working of conditions 4 and 28. The motion was seconded by Cllr Steward. On being put to a vote, with ten votes in favour and one against, it was:

Resolved: That the application be approved subject to the conditions listed in the additional information and amendments to the final working of conditions 4 and 28 and following the Secretary of State Decision.

Reasons:

1. The application site is located within the general extent of the Green Belt and serves a number of Green Belt purposes. National planning policy (para. 154 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless it falls within one of the exceptions to this outlined in paragraph 154g. Further, the material change in the use of the northern part of the site for use as playing pitches by York Sports Club, outlined by paragraph 155 e, is not inappropriate. However, the proposal fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt specifically purposes A (checking unrestricted sprawl), C (safeguarding the countryside from encroachment) and D (preserving the setting and special character of historic towns) of para. 143 of the NPPF.
2. The proposal is considered to deliver significant benefits; it will provide a residential care home providing 60 bedrooms in total meeting an identified need across the city. The care home will be split with 40 bedrooms offering dementia care with the remaining 20 bedrooms providing residential care. The proposed building is designed to meet the requirements of all the prospective residents' care needs. The site is in an

accessible and sustainable location, with access to public transport. Other benefits of the proposal include the provision of playing pitches for use by York Sports Club to alleviate existing pressures on the main sports pitches (rugby union and cricket), and the provision of junior pitches would meet an identified need as set out in the York Active Playing Pitch Strategy (2014). These are given substantial weight. Other matters that are considered to be acceptable include design, highway and parking, ecology, residential amenity drainage and flood risk. Moderate weight is applied to these matters.

3. Weighed against these benefits are concerns about the loss of and potential risk to protected trees, although it is recognised that the proposed landscaping scheme provides a high level of replacement planting, and the amendments have been made to address these concerns. Additionally, whilst there is some harm arising from the change in character of the northern part of the site as open space, the footpath will be retained, a recreational use, albeit in a different form of playing pitches, will be maintained and it will generally retain an open setting. The proposal will also provide a detailed programme of ecological enhancement measures.
4. Weighing up the planning balance, it is considered that the considerations set out in paragraphs 5.125 – 5.127 would collectively clearly outweigh the harm to the Green Belt and the very special circumstances necessary to justify the proposed development exist.
5. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 (“the 2021 Direction”) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed floorspace would be in excess of the 1000 sqm threshold set out in the 2021 Direction.

[Cllr Hollyer left the meeting at 6.15pm]

[The meeting adjourned from 6.15pm until 6.24pm]

85. York Central, Leeman Road, York [23/01494/REMM] (6.24pm)

Members considered a major reserved matters application from Homes England and Network Rail Infrastructure Limited for the layout, scale, appearance, landscaping and access for the creation of a new public realm with associated infrastructure and landscaping and alterations to the existing road network pursuant to outline planning permission 18/01884/OUTM at York Central, Leeman Road, York.

The Head of Planning and Development Services gave a presentation on the application. She was asked and demonstrated the location of the two pedestrian crossings and cycle lanes. She also demonstrated the pedestrian, cycle and routes on Hudson Boulevard and pedestrian, cycle and bus routes.

The Development Management Officer gave an update on additional information for the application, She noted there was an additional consultation response from design and sustainability. In addressing the concerns, relating to disincentivising pedestrians from using the cycle lane through Leeman Road tunnel, the Applicant had advised that they could introduce a level change but are concerned this could cause a safety issue. However they considered this level of detail could be agreed at the discharge of conditions stage.

The Development Management Officer noted that since the report had been published the Applicants had submitted an amended plan to move the northern pedestrian crossing point closer to the Bullnose/Mineral Office building to allow vehicles exiting the access to achieve an improved visibility than what had been previously presented. She detailed the concerns from highways officers about the control and traffic and interactions on the impact of this on the two-way cycle route, a pedestrian crossing and three accesses all in one small area. They had requested a road safety audit which was already included at condition 8. She gave an update on the Public Sector Equalities Duty and detailed the removal of condition 7 (replaced by condition 7.1) and amended condition 9 (which became condition 8).

Leon Guyett (Home England Project Director, York Central) spoke in support of the application as an Applicant. He noted that Committee Members would be aware that the York Central development had begun. He outlined the benefits of the application and noted that the delivery of the square was supported by other partners and would be enjoyed by the people of York.

Jason Syrett (Architect and Design Lead, York Central) spoke in support of the application as an Applicant. He detailed the design benefits of the project and explained that the design had been made after years of consultation. He noted that the square was fully accessible and included an inclusive entrance to the National Railway Museum. He added that the square used high quality materials and locally sourced materials. He added that the square would set a precedent for the design of public realm at York Central. He noted that if approval was granted they would work with officers and the square would be of a high standard.

Following speaking in support of the application, Leon Guyett and Jason Syrett were joined by David Sweeting (Director of Development, Avison Young) and Adrian Kemp (Transport Consultant Avison Young) to answer questions on the application. They were asked and explained:

- Regarding what events were envisaged in the public realm, they had been in discussions with the National Railway Museum (NRM) about doing events with local groups. Later on, Coaldrops Yard would be another forum for events.
- With regard to there being no blue badge parking in the square the relocation of station parking would include accessible parking within distance of the square. It was noted that there was accessible parking on the access plan.
- Concerning if there was blue badge parking within 50m of the square, the square was seen as a whole space with the Coaldrops site. The blue badge parking not shown on screen (in the meeting room) was part of York Station redevelopment. [At this point the Management Development Officer demonstrated the location of blue badge parking on screen.]
- The blue badge parking was beyond 50m and it was proposed to be within the turning area. This was demonstrated on the screen and Members were shown where parking was proposed in the future, some of which was in the area of 50m.
- Rest points were shown to Members on the screen. The areas of informal seating were noted. This included 314 benches with a maximum of 27m between them.
- Regarding whether the benches were age friendly, there was a mixture of seating including high backed benches. It was noted that this was set out in the Equalities Impact Assessment (EIA) and design statement.

The Chair noted the concerns of the York Access Forum and highways officers. The applicants noted that they had consulted with York Access Forum and had used cycling guidance. They explained that there was now a delineated route and explained where this was located. They noted that there would be a colour change in the materials used on the ground. They

demonstrated what introductions had been made after consultation with York Access Forum and regarding the safety of cyclists and pedestrians, they had introduced bollards and they explained how cyclists would be slowed as they approached crossing routes.

- In York Central as a whole there was a plan for green space. This was a hard space that would be a civic square. They had worked with a York landscape architect regarding the introduction of native planting and there was a balance on the whole scheme.
- There was a diversity management plan as part of the outline planning permission and they would look to incorporate bird boxes on buildings as they came forward.
- The route for the cycle lane from Wilton Rise continued through the site and Members were shown where cyclists could join the cycle route in Hudson Boulevard as an alternative.
- Regarding a form of an interactive playful space, they were in discussion with partners for two areas of public art. The NRM was looking at public art on the Coaldrops site.

The Head of Planning and Development services summarised the reserved matters application and explained that the principle had already been secured by the outlined planning permission. Members were advised that they needed to consider that the application was set out in line with the design guide.

Members then asked Officers further questions to which they responded that:

- The term plonk art was explained to Members.
- Regarding whether the rest area and seating met the DDA, there was a number of different seating areas and it was felt that there was a sufficient amount of seating on the site.
- The crossings in relation to the amphitheatre and where traffic stopped was demonstrated to Members. Officers noted the constraints of the site in terms of traffic flow. They demonstrated where the coach bus had been removed.

Highways officers noted their safety concerns regarding signals and explained that some elements of the design may change if auditors found issues. They then explained how the signals worked with the NRM road train. They were asked and explained that discussions had been ongoing regarding the use of red tactile at the signalised pedestrian crossing. The Head of Planning and Development Services advised that this could be conditioned.

Officers were asked further questions in which they explained:

- Condition 24 of the outline consent required details of all hard surfaces and officers would expect example to be provided.
- Public Protection had considered air quality and this was detailed in condition 53 of the outline planning permission. They had also considered of light pollution on amenity.
- Cycle parking provision was provided and officers demonstrated the location of cycle racks and cycle spaces, including accessible racks and spaces. It was noted that cycle parking had been increased.
- There would be space between the cycle the cycle racks and seating which would create natural surveillance by being an area of public realm.
- It was confirmed that there would be accessible cycle parking near the bullnose building. Highways officers noted their views on some areas being difficult for wider cycles.
- An additional condition could be added regarding accessible cycle parking not going through the Hostile Vehicle Measures (HVM).
- The owner of the land was responsible for the long term management of soft planting.
- CCTV was covered as part of condition 19 of the outline planning permission. That condition was read out and it was noted that the condition did not go into detail of the arrangements for the monitoring and management of the CCTV
- Tactile paving would help people with visual impairments find the entrance to the NRM.
- The interactions between pedestrians and cyclists was explained and it was noted that the highways team was trying to secure levels but all were proposed to be at the same level.
- Active Travel were satisfied with the highways standards and highways did not feel that the highways met standards and felt that different levels were needed on the site.

[The meeting adjourned from 7.45pm to 7.51pm]

The Head of Planning and Development Services advised that there was a planning balance and condition 8 regarding highways was balanced. She added that Members could add in red tactile paving under condition 8. She noted that regarding a condition for cycle parking, the wording could be delegated to officers in conjunction with the Chair and Vice Chair.

Officers were asked if there was secure cycle parking for people who use their cycle as a means of travel. Members demonstrated where cycle parking was located. Highways officers noted that most cycles would fit through the HVM and the only accessible cycle parking was at the bullnose building. The location of the HVM was demonstrated to Members. The

Head of Planning and Development Services clarified that condition 8 could be amended to include red tactile paving and there would need to be a separate condition regarding cycle parking. Members asked if there was a way of enabling a route for access cycles. Highways officers advised that Members could condition cycle parking outside the HVM. The Head of Planning and Development Services advised that there could be an additional condition for further cycle parking with the wording delegated to officers in conjunction with the Chair and Vice Chair, along with condition 8 being amended to include red tactile paving.

The officer recommendation to approve the application, including the changes to conditions in the additional information, an amendment to condition 8 to include red tactile paving (wording delegated to officers in conjunction with the Chair and Vice Chair) was and an additional condition regarding accessible cycle spaces proposed by Cllr Merrett. This was seconded by Cllr Steward. A Member asked if a condition regarding LTN 120 could be added and the Head of Planning and Development Service advised that this was guidance. On being put to a vote, with nine votes in favour and one abstention, it was:

Resolved: That the application be approved subject to the conditions listed in the report, additional information, change to condition 8 to include red tactile paving (wording to be delegated to the Head of Development and Services in conjunction with the Chair and Vice Chair) and an additional condition relating to accessible cycle spaces (wording to be delegated to the Head of Development and Services in conjunction with the Chair and Vice Chair).

Reasons

1. The principle of development of the site as public realm as part of the York Central development was approved at outline stage and the reserved matters application aligns with the approved parameter plans and design guide approved by Conditions 6 and 7.
2. The proposals would see a significant improvement to the appearance of the site and the fundamentals of the design appear logical given the constraints and variety of functions and roles the public realm needs to achieve. The proposals would make a positive contribution to the character and appearance of the area and the wider City and are in compliance with the approved parameter plans and design guide and align with the Environmental Statement submitted at outline stage and with local and national policies. Any matters of design detail

outstanding are either covered by existing outline conditions which need not be repeated or through new conditions.

3. The proposals provide a satisfactory layout, appearance and landscaping which accord with the outline Design Guide and would enhance the character and appearance of this area. The application takes account of the impact of the development on the setting of heritage assets within and adjoining the site and the setting of the Conservation Area where it is concluded that the proposals would have a positive impact.
4. CYC Highways Officers remain concerned with respect to some aspects of the layout and design, they have however recommended that these matters are addressed further through conditions supported by a Road Safety Audit. Officers note the proposals are in line with what was accepted at outline stage in terms of pedestrians and cyclists linkages, access for servicing and deliveries and the lack of parking provision.
5. Impacts on habitats and ecology have been appropriately assessed and any outstanding matters addressed by condition.
6. There are no additional impacts identified with respect to drainage and flooding and it is noted that conditions at outline stage would need to be discharged.
7. The proposals are in accordance with the outline Environmental Statement which set out the anticipated impacts with respect to air quality, noise and contamination subject to mitigation and a series of conditions to be discharged.

Cllr J Crawshaw, Chair

[The meeting started at 2.30 pm and finished at 8.24 pm].

COMMITTEE REPORT**Date:** 7 March 2024**Ward:** Clifton**Team:** West Area**Parish:** Clifton Planning Panel**Reference:** 22/02288/FULM**Application at:** St Peters School Clifton York YO30 6AB**For:** Erection of floodlit hockey pitch and tennis/netball courts, cricket nets, resurfacing and floodlighting to existing hockey pitch and associated access, car parking, coach drop-off, storage and landscaping**By:** St Peter's School**Application Type:** Major Full Application**Target Date:** 22 February 2024**Recommendation:** Refuse**1.0 PROPOSAL**

1.1 St Peter's School comprises a substantial independent school occupying a campus site within the Clifton Conservation Area to the north of the city centre. Planning permission is sought for the construction of a floodlit hockey pitch, tennis and netball courts, cricket nets, car and coach parking and waiting area, vehicular access and grounds maintenance hut. The planning application has been amended since submission to address objections on highway, ecology, landscape and flood risk and drainage grounds. The site presently lies within the "general extent" of the York Green Belt although modifications are proposed to realign the Green Belt boundary to the neighbouring flood embankment as part of the Draft Local Plan. .

1.2 The development envisages the construction of a 126 seat viewing stand with spectator standing area, 78 parking spaces(15 asphalt surfaced with 4 disabled spaces), a two lane access road leading on to Westminster Road from a current grounds maintenance access, coach turning and waiting area, 8 floodlit hockey pitches with 18 floodlights 15 metres high , fencing 6 metres high and ball netting 4.5 metres high; 6 floodlit tennis/netball courts with 9 floodlights 10 metres high and fencing 6 metres high; a floodlit cricket and netball practise area floodlights 8 metres high, a grounds maintenance office and a tractor store. A substantial horse chestnut tree of townscape importance lies at the site access. A public right of way used by dog walkers towards Queen Anne's Road lies directly to the east of the site with a substantial historic cracked willow tree which is also of townscape importance directly adjacent. Some community letting/use of the proposed sports facilities is

suggested within the submitted documentation with a community use agreement parallel to that pre-existing for the swimming pool on the site. Full detail of that has not however been supplied. Agreement is also indicated for use of the site by York Hockey Club although no detail of that has been forthcoming. The proposed pitches would be in use up to 10pm Monday to Saturday and 9pm on Sundays.

1.3 Relevant Planning History

05/00602/FUL Construction of Two All Weather Pitches accessed from Westminster Road- Withdrawn

05/00607/FUL Construction of an Access to St Olave's School from Westminster Road -Withdrawn

08/00863/FUL Construction of a Multi-Use Games Area, Tennis and Netball Courts- Approved 25/09/2008.

08/01675/FUL Construction of a Synthetic Grass Surfaced Play Area with associated fencing. Approved 20/02/2009.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The National Planning Policy Framework "the NPPF") sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3 The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.4 The Publication Draft Local Plan 2018 was submitted for examination on 25th May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.5 Key relevant DLP 2018 policies are:

HW7 – Healthy Places

ED6- Pre School, Primary, and Secondary Education

ED8- Community Access to Sports and Cultural Facilities on Educational Sites

D1 – Place Making

D2- Landscape and Setting

D4- Conservation Areas

D5- Listed Buildings

D6 – Archaeology

GI2- Biodiversity and Access to Nature

GI4- Trees and Hedgerows

GI5- Protection of Open Space and Playing Fields

ENV2 – Managing Environmental Quality

ENV4- Flood Risk

ENV5 – Sustainable Drainage

T1 – Sustainable Access

2.6 Evidence Base:

- TP1 Approach to Defining Green Belt (2022)

3.0 CONSULTATIONS

3.1 The application has been publicised via Site Notice on 30th November 2022, local press notice and neighbour notification letter at the same time.

INTERNAL

Public Protection

3.2 Raise no objection to the proposed floodlighting which would follow accepted standards subject to any permission being conditioned accordingly Objection is

Application Reference Number: 22/02288/FULM

Item: 4a

raised to the noise report on the grounds that no account has been taken of the change in overall traffic levels outside of peak hours and change in noise associated with that. A figure of 71 movements has been assumed which is likely to be a significant increase on the existing when movements are virtually negligible. No account has been taken of a reasonable worst case scenario involving a large number of pitch users arriving at the same time or in quick succession. No account has also been taken of the sound of engines idling in Westminster Road in the vicinity of the junction. In terms of spectator noise whilst it is acknowledged that the applicant is willing to accept a restriction on usage of the spectator stand no account has been taken of the impact of spectator noise at all particularly bearing in mind the elevated nature of the site and the elevated nature of the stand.

Design, Conservation and Sustainable Development (Ecology)

3.3 Object to the proposal on the grounds that the submitted information fails to take account of the value of the site as a “stepping stone” of undeveloped land used by species accessing nationally important biodiversity sites further north at Clifton and Rawcliffe Ings SSSI’s. Overall, it is considered that any further development of the land would have detrimental and irreversible impacts to the river corridor, its associated faunal and faunal assemblage, and correspondingly the nationally significant wildlife site - Clifton Ings and Rawcliffe Meadows SSSI. It is also considered that the proposed development does not adhere to National Planning Policy Framework (2023), with particular reference to:

Paragraph 180: Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

Paragraph 181: Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.

Paragraph 185: To protect and enhance biodiversity and geodiversity, plans should:
a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and

locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation.

Design, Conservation and Sustainable Development(Archaeology)

3.4 Indicate that the site lies within the Central Area of Archaeological Importance and within the boundaries of a known Roman road and cemetery. Any permission should be conditioned to ensure a detailed programme of post determination evaluation.

Design, Conservation and Sustainable Development(Trees and Landscape)

3.5 Object to the proposal on the grounds that the proposed development would cause significant adverse harm to the relatively natural, simple, open landscape character of the site and its interconnectedness with adjacent open spaces. It would furthermore cause significant adverse harm to views from the surrounding footpath network from the south west and northwest of the site, in particular from the open access along the top of the flood bank from where there are clear views across the site and to wider views of the city including York Minster. Whilst it is theoretically possible to construct a vehicular access into the site from Westminster Road without harming the horse chestnut or willow trees currently present vehicular height restrictions must be robustly managed and the associated footpath must be properly designed to ensure no additional hard surfacing over the root protection area.

Highway Network Management

3.6 Object to the proposal on the grounds that a clear evidenced, realistic assessment of parking demand, accumulation, intensification of the use of the existing access and impact on local junctions have not been presented. It is not therefore possible to make an informed judgment in respect of what is a substantial proposal on the wider network or highway safety due to insufficient information. The nature and intensity of the development will be such that it will significantly impact traffic generation over long periods to the detriment of existing users of the network and the residential amenity of neighbouring properties.

Front Line Flood Risk Management

3.7 Object to the proposal on the grounds that the proposed buildings, impermeable and semi-impermeable areas in Flood Zone 3 would involve alteration to flood storage areas and a potential increase in flood risk to neighbouring properties. At

the same time, it is proposed to drain the new buildings and associated hardstanding by means of soakaways when it has been demonstrated by testing that the site is not suitable for the use of soakaways as a means of surface water drainage due to the very high ground water levels.

Forward Planning

3.8 Indicate that the Green Belt boundary in the area is subject to a proposed modification to remove the site from the Green Belt however the associated Policy is still subject to unresolved objections and the revised boundary should be afforded limited weight in the planning balance. The Policy itself moderate weight.

Public Rights of Way (PROW)

3.9 Raise no objection to the proposal subject to the public right of way bounding the site being re-aligned during the construction phase.

EXTERNAL

Clifton Planning Panel

3.10 Object to the proposal on the grounds of harm to the residential amenity of neighbouring properties by virtue of noise, comings and goings and light pollution during the construction process and subsequently during operation. The health of the horse chestnut tree at the proposed access point would also be substantially compromised by the proposed works.

Sport England

3.11 Object to the proposal on the grounds that the proposal would have an adverse impact upon pitch space available for playing cricket.

The Woodland Trust

3.12 Object to the proposal on the grounds of harm to the root protection zone of two veteran trees on the National Inventory through the proposed access construction works, the horse chestnut at the site boundary and a crack willow directly to the east of the car park area which is unassessed in the submitted tree report. Paragraph 186c) of the NPPF indicates that the loss of irreplaceable should be refused unless wholly exceptional reasons have been put forward and a suitable compensation strategy exists, neither of which have been forthcoming.

North Yorkshire Fire and Rescue Authority

3.13 Wish to make no observations in respect of the proposal.

Environment Agency

3.14 Raise no objection to the proposal subject to any permission being conditioned to secure the integrity of the flood defences.

York Civic Trust

3.15 Object to the proposal on the grounds that it specifically encourages journeys by car born transport and is therefore unsustainable, the very large areas of new hard surfacing would increase the risk of flooding in the locality and the proposed floodlighting would adversely impact the setting of both the Central Historic Core and Clifton Conservation Areas together with the setting of the Listed central core of the St Peter's School campus.

4.0 REPRESENTATIONS

4.1 A total of no 239 objections including objection from the Ward Councillor, Councillor Danny Myers and no 117 letters of support have been received at the time of writing,

4.2 Summary of the objections received:

- Objection to the car dependent non-sustainable nature of the development
- Objection to the loss of residential amenity to neighbouring properties by virtue of increased noise, comings and goings and light pollution
- Objection to the increased flood risk by virtue of the increased areas of hard surfacing and unsuitable means of surface water drainage
- Objection to adverse impact upon veteran trees of townscape importance
- Objection to harm to local biodiversity in an important riverside green corridor
- Objection to adverse impact upon the amenity of users of public rights of way in the locality.
- Objection to increased pressure in terms of traffic generation on the local road network.
- Objection to the construction of inappropriate development in the Green Belt.
- Objection to impact upon the setting of the Clifton and Central Historic Core Conservation Areas

- Objection to potential increase in pollution from micro-plastics from the proposed playing surface

4.3 The objectors have submitted a detailed Transport Study to rebut the submitted Transport Assessment.

5.0 APPRAISAL

Key Issues

5.1 The key issues are as follows:

- Green Belt
- Highways and Access
- Residential Amenity
- Drainage & Flood Risk
- Ecology
- Impact upon Veteran Trees
- Impact upon Landscape
- Archaeology
- Sport Provision/Sport England
- Planning Balance/Case for Very Special Circumstances

GREEN BELT

Policy

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

5.3 Paragraph 143 of the NPPF states that 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.

5.4 In line with the decision of the Court in *Wedgewood v City of York Council* [2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes may take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF and should have regard to site specific features in deciding whether land should be regarded as Green Belt.

5.5 The site is located within the general extent of the York Green Belt as described in the RSS. In addition to the saved policies YH9(C) and Y1 (C1 and C2) of the Regional Spatial Strategy which relate to York's Green Belt, the site is identified as falling within Green Belt in the proposal's maps of the Development Control Local Plan (2005) and Draft Local Plan (2018). Following the initial series of hearings into the Local Plan in December 2019 document TP1 Approach to Defining Green Belt (2022) was prepared to address issues surrounding the definition of the inner Green Belt boundary. This sought to place educational institutions within the urban area rather than within the Green Belt with the boundary in respect of the current site relocated to the flood embankment taking the application site out of the Green Belt. The removal of the site from the Green Belt is however subject to an unresolved objection and so can be afforded little weight. In contrast the status of the associated Policy GB1 is more firmly resolved and can be afforded moderate weight.

5.6 As a consequence the site needs to be treated as Green Belt and subject to Green Belt policy up to the point when the objection is resolved, and the Plan adopted. The restrictive Green Belt policies in the NPPF therefore also apply.

Assessment

5.7 The relevant local policy is GB1. The relevant paragraphs of the NPPF are 152 and 155. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the exceptions set out in paragraph 154 of the NPPF. The proposal does not meet any exceptions set out in paragraph 154 of the NPPF.

5.8 Certain other forms of development are not inappropriate in the Green Belt including engineering operations provided they preserve its openness and do not conflict with the purposes of including land within it as set out in paragraph 155 of the NPPF. The proposal does not meet any exception set out in paragraph 155.

5.9 The development is classed as inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed below.

5.10 Turning to the impact on the Green Belt and openness, Planning Policy Guidance refers to a number of matters that the courts have identified can be taken into account in assessing openness, which include: spatial and visual aspects, duration of development and remediability and the degree of activity generate.

5.11 The proposal envisages the laying of a substantial hard surfaced and part hard surfaced parking area along the eastern edge of the site together with the conversion of the existing grounds maintenance access to a two-lane permanent access to allow for two large coaches to pass. At the northern edge of the site a grounds maintenance depot with office, shed and associated parking area would be created. Over the remainder of the site 8 floodlit hockey pitches with 6-metre-high fencing and 15-metre-high flood lighting columns would be provided together with a spectator stand with 126 seating capacity and a further spectator standing area. 6 floodlit tennis and netball courts together with a flood lit cricket and a netball training area would also be provided.

5.12 In terms of impact upon openness the site at present has a low level of development with a low intensity playing field use with clear views through the River Ouse green corridor laterally across the River Ouse from the west bank and longitudinally along the line of the River from the City Centre heading north towards Clifton and Rawcliffe Ings SSSI. The proposal envisages the infilling of the entire space with an intensive form of development with fencing and ball netting, columns up to 15 metres high, a part asphalt covered parking and circulation area, a substantial spectator viewing area and a grounds maintenance depot. Over and beyond that the resulting pattern of use would be substantially more intense with nighttime lighting only serving to draw attention to the greater level of comings and goings and overall activity. Notwithstanding the unresolved status of the Green Belt boundary, harm to openness would be substantial in both its visual and spatial senses with an existing green wedge effectively being erased. The site would change from being a school playing field with a low intensity of use to an (albeit) small sports stadium.

5.13 Paragraph 143 of the Framework identifies five Green Belt purposes which include safeguarding the setting and special character of historic towns and cities, to prevent the unrestricted sprawl of large built up areas and to safeguard open countryside from encroachment. Notwithstanding the purpose of the development, it would represent a clear encroachment of intense engineered built development into what is presently a green wedge contributing to the setting and special character of the Historic City including a view of the Minster. The development is therefore felt to be particularly contrary to the purposes of Green Belt through its impact upon that setting and special character which will be explored further below.

HIGHWAYS AND ACCESS

5.14 The proposal envisages the use of an existing grounds maintenance access from Westminster Road close to its confluence with The Avenue. The level of traffic presently using the road is very low comprising residential traffic with occasional vehicles using the Environment Agency maintenance access running parallel with the site boundary. Furthermore, the access passes very close to the trunk and crown spread and over the root protection area of a protected Horse Chestnut tree that forms a key element of the street scene of Westminster Road. The proposals would formalise the access with substantial increases in usage with 78 formal parking spaces including those for the ground's maintenance depot and capacity for large coaches which presently do not use the site. Such a substantial degree of intensification has clear implications for the usage of main junctions within the adopted highway network such as between Water Lane and Clifton and The Avenue and Clifton. The application has been subject to a protracted period of negotiation to try to resolve issues surrounding the intensification of use of the access and implications for the wider network.

5.15 The application has been accompanied by a Transport Statement and outline Travel Plan. The Transport Statement indicates staff parking provision in line with that previously accepted at Fulford School which is acknowledged. From the submitted Travel Plan it is clear that the school has a requirement for 261 staff parking spaces with only 148 presently accommodated within the site. Making allowance for not all staff necessarily being on site simultaneously that leaves the need to make provision for a further 113 spaces. There is no provision to prevent the use of the additional spaces to provide staff or more general visitor parking over and above the anticipated sports or parent drop off use which would further intensify the use of the Westminster Road access. The applicant in response to the concern has indicated that there would be no need for it to be used for staff or general

visitors but a deficiency of space has been identified and there would be no way of enforcing sport or parent drop off use. Reference is also made by the applicant to the need to use the new access for emergency vehicles due to problems with Queen Anne's Road and surrounding side streets to the southeast. This has however not been properly substantiated and North Yorkshire Fire and Rescue Service have indicated that it is not a requirement of theirs.

5.16 At the same time the Travel Plan identifies a total of 653 daily pupil car journeys to the site with significant drop offs at Clifton and Queen Anne's Road. No data has been supplied for Westminster Road or The Avenue leaving 252 car journeys unaccounted for. It has been indicated that a majority of pupil drop-offs would take place in the new parking area on safety grounds. It has however not been evidenced that parents would choose to use the new parking/waiting area rather than adjoining roads. At the same time assumptions have been made that parents will choose to arrive and depart over a period of an hour during the morning and evening when in reality levels based upon experience of other schools would be much more narrowly focussed. No account has also been taken of pick up and drop off during the Saturday morning period which coincides with the peak on the wider network.

5.17 In terms of the specific sports use an assumption of 10 spectators has been used for hockey which is unrealistic bearing in mind the substantial spectator stand with associated standing area. In response to concerns in respect of spectator numbers and spectator noise the applicant has agreed to accept a condition preventing use of the proposed stand outside of school hours. However, that would not address the basic issue as it would not prevent spectators attending they would merely stand around the outside of the pitch. No assessment has been made in respect of other sports or school holiday sports. In view of the absence of other similar facilities in the wider area it can reasonably be assumed that use would be substantial particularly in view of the reference to commercial use by York Hockey Club and community bookings. Submitted correspondence seeks to draw a parallel with the situation in respect of sports facilities at Pocklington School. Pocklington School is not however in the inner urban area, it is significantly smaller in size and backs on to open countryside. Paragraph 115 of the NPPF is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the surrounding network would be severe. The lack of data and unreasonable assumptions in the submitted data indicate a strong likelihood of

severe residual cumulative impact and the requirements of the Framework are not therefore complied with.

RESIDENTIAL AMENITY

5.18 Westminster Road and The Avenue comprise residential side streets with a medium pattern of density. The existing access is only used on a very occasional basis with sport use of the existing playing fields largely taking place during the school day during term time. The proposal envisages the formalisation of the access as a principal point of access to the school campus with substantial increases in traffic volumes throughout the week and throughout the day. The nature of the traffic would also change with the access designed to accommodate large coaches. Westminster Road has a significant incline towards the location of the access and so noise from vehicles decelerating into and accelerating away from the site would be particularly acute.

5.19 The sport use of the site would also become substantially more intensive with use more regular and continuing under floodlights late into the evening. The submitted details indicate that the site would be used by York Hockey Club and also by the York Sports Club on an “overflow” basis as well as some community letting in the manner that other facilities at the school may be let out. York Hockey Club has some 18 teams covering male, female and junior leagues. They undertake training on four nights per week with fixtures played on two nights. St Peter’s School itself has 72 hockey teams and 45 net ball teams. Fixtures are played four times per week with training on one night. The access to the site via Westminster Road is only used at present in the evening in the event of an emergency and only very occasionally at weekends. The nature of the proposal is such that home matches for St Peter’s would clearly make use of it and depending upon the final arrangements that York Hockey Club would use is a majority of the time. Given the intensity of match play it is likely that both St Peter’s and the Hockey Club will be making use of sections of the site at the same time.

5.20 The submitted noise report assumes a figure of 71 vehicle movements off peak through the access which is going to be a very steep increase over and above the current level of negligible use. It does not clearly identify from where that figure is derived and it is unclear as whether that is a reasonable “worse case” scenario. Modelling and mitigating the likely severe impact arising from the intensification of use is therefore very difficult. The applicant has offered to restrict the number of nights the pitches and the access is used and to accept a condition preventing the

use of the 126 seat spectator stand outside of the school day. This may however have the effect of causing the intensity at which the pitches are used during the operational evenings to increase even more. In addition to the lack of modelling of vehicle noise and also noise from idling engines. No allowance has been made for spectator noise particularly bearing in mind the elevated nature of the provided facilities and the site itself. Whilst a restriction on the use of the stand is welcomed it would not completely address the issue of spectator noise as it would still be present during the school day and out of hours the presence of spectators would not be ruled out as they would simply stand around the edge of the pitches.

5.21 The proposal envisages use of the pitches up to 10pm on Monday to Saturday and 9pm on Sundays. Disturbance from activities at the site would not cease at the point when the floodlighting was switched off. It would likely continue for 30 minutes or longer as those using the pitches disperse. That impact has also not been addressed in the submitted noise report.

5.22 Operation is envisaged to be seven days a week late into the evening. Whilst it is acknowledged that the application site is in an existing sporting use which has some impact upon the amenity of neighbouring properties, that impact is largely transitory and for the most part low level. Improvements to the sports facilities in principle may be acceptable and that may include some element of flood lighting. The proposal however, involves a substantial formalisation and intensification of use of the site with a cumulative impact which if left unmitigated would amount to substantial harm to the residential amenity of neighbouring properties contrary to paragraph 135 (f) of the NPPF and Policy ENV2 of the Draft Local Plan. Despite repeated attempts at clarification and to gather additional information the submitted noise report simply fails to address those serious concerns and it is not possible to identify appropriate means of mitigation or even if the issues are capable of mitigation.

DRAINAGE AND FLOOD RISK

5.22 The proposal is largely within Flood Zone 3 which puts it at high risk of flooding from riparian sources. The River Ouse lies directly to the west and the Environment Agency maintained flood defence forms the western boundary of the site. The proposal envisages the layout of significant new areas of hardstanding together with buildings which clearly impact upon the area of available flood storage. The proposal does provide some degree of compensation through cut and fill which satisfies the requirements of the Environment Agency who do not now object.

5.23 Notwithstanding the lack of objection in respect of alteration to flood storage arrangements the issue of surface water drainage is material. The present low intensity playing field use is drained by means of soakaway and cover an area predominantly permeable and grass covered. The proposal envisages a significant increase in hard surfacing with the construction of the pitch surfaces, car parking area, spectator facilities and grounds maintenance depot. The application details propose the use of soakaways as the means of surface water drainage although testing of soakaways at the site using the appropriate methodology has taken place and been found not to work. As a consequence, there is not a viable means of surface water drainage or an outfall for the surface water to be drained. The nature of the pitches and other hard surfaces is such that a system of attenuation could be incorporated but that has not been considered by the applicant.

5.24 Any surface water arising on the site will therefore stay on the site and in the event of a storm event pose a flood risk to neighbouring properties contrary to paragraph 173 of the NPPF which clearly indicates that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. In response to concerns in respect of potential flood risk the applicant has contended that this may be managed through the flood evacuation plan for the site. However, in view of the highly vulnerable and sensitive location of the site any impacts from major rainfall and flooding events cannot be localised or contained in that way.

ECOLOGY

5.25 The application site together with the adjacent riverbank area forms a “green wedge” stretching from open countryside to the north into the City Centre with the river side Rawcliffe Meadows and Clifton Ings SSSI a short distance to the north with the site situated within their formal impact risk zone. The River Ouse as it travels through the City of York acts as a transit route for a number of faunal species notably bats heading south east/ north west towards the SSSI. It forms part of a wider green corridor and forms a steppingstone for wildlife together with other less developed areas within the built-up boundary of the City. Paragraph 185 of the NPPF indicates that such areas should be safeguarded.

5.26 An Ecological Impact Assessment has been submitted with the proposal with an addendum subsequently. This rules out harm both during construction and subsequent operational phases although the relative impacts of the two are not

clearly differentiated. At the same time, it is not clearly stated how the results are achieved. Specifically in respect of bats it is indicated that bat foraging routes and commuting would not be affected when the associated survey data would not appear to support such a conclusion. Bats are identified as being a light averse species and the proposal seeks to substantially increase the level of lighting across the site overspilling into adjoining areas. In response to earlier objections to potential impacts upon the impact risk zone of the SSSI and the use of the river side corridor by insects and other invertebrates it is simply stated that there would be no impact and that there is no evidence of significant invertebrate activity within the wider area. No indication has however been forthcoming as to how these conclusions were reached. Notwithstanding the conclusion of the addendum, beyond the flood embankment at the western boundary of the site the nature of the riverbank vegetation is such as to encourage movement of insect species which would be severely inhibited by the increases in light levels and levels of general activity.

5.27 The submitted information in both the original Ecological Impact Assessment and in the subsequent addendum does not adequately assess impacts upon ecological receptors locally or in the wider area. Without such information and analysis, it is not possible to derive an appropriate package of avoidance, compensation, mitigation or enhancement measures as required by paragraph 186 (a) of the NPPF. As such it is concluded that the proposed development would result in detrimental and irreversible impacts upon the riverside corridor and associated floral and faunal assemblage with consequent knock-on impacts to the SSSI contrary to the requirements of the NPPF.

IMPACT UPON VETERAN TREES

5.28 The application site at its boundaries incorporates two identified veteran trees included on the Woodland Trust inventory. These are a cracked willow which sits within the area of the Public Right of Way to the east and a horse chestnut which lies at the access to the site. Paragraph 186(c) of the NPPF indicates that development resulting in the loss or deterioration of irreplaceable habitats such as veteran trees should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Footnote 67 of the NPPF provides that a wholly exceptional reason could exist where the public benefits clearly outweigh the loss or deterioration on habitat. It is considered that in view of the wider significance of the trees in terms of their role in the street scene that such public benefits have not been demonstrated for this proposal.

5.29 In terms of the cracked willow the tree is of significant townscape importance with the access road and a section of the proposed car park sitting within its root protection area. A tree survey and tree report have been submitted in respect of the proposal however neither document considers the impact of the proposal upon the health of the cracked willow despite the works clearly impinging into its root protection area. The requirements of paragraph 186(c) of the NPPF have not therefore been complied with.

5.30 In terms of the horse chestnut tree it partially lies within the alignment of the proposed access. The application details propose crown lifting to enable "luxury" standard coaches to pass beneath. The tree does however have a substantial degree of importance within the Westminster Road Street scene. It acts as a visual punctuation mark or point of definition at the street end. The access for all traffic to the new parking would travel directly over its root protection zone. The proposal with the shear intensity of vehicle movement to and from and with the parallel risk of impact damage to the tree itself would compromise its function within the form and character of the wider street scene quite apart from the visual damage caused by the proposed crown lifting works. No wholly exceptional reasons for the work have been put forward to justify the harm and the requirements of paragraph 186(c) of the Framework have not therefore been complied with.

5.32 In terms of a suitable compensation strategy it should be demonstrated that harm to the two trees has been minimised or failing that that an alternative habitat of equivalent value can be provided. Harm to the cracked willow tree has not been properly considered in terms of the tree survey/method statement at all. In terms of the horse chestnut tree it may be possible to design an access that would avoid significant harm to its root protection area but it would be of such a layout that it would be extremely difficult to use by the volumes of traffic anticipated and may not accommodate the design and numbers of coaches anticipated. The creation of an alternative habitat of an equivalent value to the two trees has not been considered.

LANDSCAPE

5.31 The application site is highly visible in middle and longer distance views across the river corridor from the west and southwest and characterised by a sense of openness uninterrupted by the paraphernalia associated with the present low intensity sports use. The playing fields are clearly read as the setting for the school campus which defines the northern approach to the City Centre and which in its green setting shares important similarities with an Oxford or Cambridge College.

This is enhanced by the presence of sections of semi-mature hedges in native species and individual mature and semi-mature trees including the two identified veteran trees. Views across the site from the local public rights of way network along the riverbank and to the north add to the character of the site.

5.32 The proposed works would result in the infilling of virtually the whole of the existing green un-developed area with structures and apparatus of some description. In the context of views from the area of the riverbank harm would be particularly severe in view of the location of the flood embankment and the nature of the local topography with the site elevated relative to the riverbank and in views from the west. In terms of views from elsewhere notably the public right of way to the northwest, the existing overwhelming sense of openness would be lost. That sense of openness along the riverbank is highly important in defining the setting of the Historic City from both north and southern approaches and the development would close it off in that area. There is an important view from that direction southeast towards the west end of York Minster which is important in defining the setting of the Clifton Conservation Area and the wider Historic City. That too would be largely obscured giving rise to significant harm to the setting of the Historic City from the north.

5.33 Policy D2 of the Draft Local Plan indicates that development proposals will be supported and encouraged where they conserve and enhance landscape quality and character and the public's experience of it and make a positive contribution to York's special qualities together with recognising the significance of landscape features such as mature trees and hedges retaining them in a respectful manner where they can be managed and sustained. The current proposal envisages the introduction of a built development of a significant scale into an existing green space. Some degree of landscape mitigation may be achieved by a robust tree planting plan including some large species which would be effective over the long term. The cumulative impact of fencing, buildings, columns, hard surfaces, signage and parked cars would lead to a significant adverse impact upon the local landscape character. That impact would only be enhanced by the intense concentration of artificial light accompanying the development. The requirements of Policy D2 would not therefore be complied with.

ARCHAEOLOGY

5.34 The site lies in close proximity to the principal northern approach to the Roman City with the associated roadway running parallel with the modern road along with a

major peripheral cemetery. As such the site sits within the Central Area of Archaeological Importance. Providing a detailed programme of post-determination archaeological evaluation is undertaken which can be secured by planning condition then the proposal is felt to be acceptable in archaeological terms.

SPORTS PROVISION/SPORT ENGLAND.

5.35 The proposal envisages the layout of eight floodlit hockey pitches, six floodlit tennis courts/netball practise courts and an area of cricket nets. These would primarily be provided for school use and would represent a significant enhancement of the existing level of provision. Use has also been offered to the wider community use by means of a community use agreement and on a commercial basis to the York Hockey Club and as an “overflow” facility for the York Sports Club. Detail of the community use agreement is however vague.

5.34 Objection has been raised by Sport England in respect of the proposal on the available pitch space within the site for playing cricket. That is an issue in respect of how the play space is managed and the applicant has indicated that they would be able to address the concern by means of alternative provision elsewhere within the site which might then be conditioned as part of any planning permission.

OTHER ISSUES

5.35 Concern has been raised by objectors in respect of the potential for pollution arising in the wider local environment. The issue relates to the nature of the artificial playing surface which for certain sports sometimes including tennis requires a rubber crumb infill material which if not properly regulated can cause pollution within the surrounding environment. In the current case the proposed pitch would simply receive a dressing of sand and any potential residue from breakdown of the playing surface would be captured by means of silt trap within the pitch drainage system.

5.36 Objection has been raised by York Civic Trust to the impact of the proposal upon the setting of designated Heritage Assets notably the Clifton and Central Historic Core Conservation Areas and the Listed inner core of the school campus.

5.37 The site of the proposal is physically separated from the Victorian core of the school campus which is separately Listed by a number of substantial two storey teaching buildings dating from the 1970s as such it would not be possible to argue a

convincing case of harm to the setting of those Listed buildings as they are not part of any common views.

5.38 In terms of the Central Historic Core Conservation Area, the application site is separated from the boundary by the remainder of the school complex and the Scarborough Railway, and it would be difficult to argue a case for material harm over such a distance, although that is not to detract from the landscape harm or harm to the setting of the wider historic City outlined above.

5.39 In terms of impact upon the Clifton Conservation Area, the site lies outside of its boundary which lies to the east and its character is largely determined by the uniform treatment of the frontage and its surroundings including the school campus which the proposal would only have a relatively modest impact upon notwithstanding the harm to the wider landscape and setting of the Historic City identified elsewhere.

PLANNING BALANCE/CASE FOR VERY SPECIAL CIRCUMSTANCES

5.40 TP1 “Approach to Defining Green Belt” indicates that the site should be taken out of the Green Belt. Its deletion is however subject to an unresolved objection and should in advance of adoption of the Local Plan only be afforded limited weight whereas the restrictive Green Belt policies within the Plan should be afforded moderate weight and for the time being the site should still be treated as being within the Green Belt and subject to the wider restrictive policies in the Plan and in the NPPF.

5.41 The proposed development is inappropriate in the Green Belt by virtue of harm to its openness both in the visual and spatial senses. Paragraphs 152 and 153 of the Framework indicate that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Very special circumstances will only apply where the potential harm by reason of inappropriateness and any other harm would be outweighed by other considerations.

5.42 The Framework indicates that substantial weight should be afforded to harm to the openness of the Green Belt in the planning balance. In terms of other harms, the proposal has failed to demonstrate that the substantial additional volumes of traffic that would be generated can safely be accommodated on the adjoining road network contrary to paragraph 115 of the NPPF and Policy T1 of the Draft Local Plan. In terms of impact upon residential amenity the proposal would result in a

substantial increase in noise, disturbance and general comings and goings late into the evening from an existing very low base and leading along an existing residential side street. Impact upon the amenity of the occupants of that side street is likely to be severe and contrary to both Policy ENV2 of the Draft Local Plan and paragraph 135(f) of the NPPF.

5.43 In terms of drainage and flood risk it is acknowledged that the loss of existing flood storage can be compensated for however the continuing use of a soakaway system that has been demonstrated not to work with a substantial increase in the intensity of development risks leading to exacerbation of flooding in the surrounding area and insufficient information has been forthcoming to establish that surface water drainage from the development can work safely.

5.44 In terms of ecological impact by introducing a high intensity sports use with increases in disturbance and levels of lighting an important steppingstone for a range of species including insects and bats transiting along the river corridor would be heavily eroded in terms of its value. It is acknowledged that the applicant has sought to address the concern since the application was submitted but that the additional information/analysis is simply not sufficient to adequately address the issue. The site has two identified veteran trees at its boundary whose significance would be negatively impacted by the proposal. That to the northeast, a cracked willow whose root protection area would be impacted by the car park works is simply not acknowledged. The horse chestnut at the entrance would have the access works and significant volumes of traffic crossing its root protection area. Its townscape significance would be fundamentally harmed. The wider landscape significance of the site would also be fundamentally harmed by the nature and intensity of the development and the degree of artificial lighting.

5.45 On the positive side of the planning balance the proposed works would provide a significant enhancement to the range of sports facilities available for the school and for limited letting to the wider community. The school has indicated that the facility is primarily for school use and use would be on a not-for-profit basis although it is unclear how that would be secured. This is in line with Policy HW3 of the Draft Local Plan and maybe afforded moderate weight in the planning balance.

5.46 The proposed parking area would enable parents to pick up and drop off away from neighbouring side streets like St Olave's Road where existing pressure is identified although the need for an alternative emergency vehicle access as suggested in the submitted application documentation has not been substantiated

and is not acknowledged by the North Yorkshire Fire and Rescue Service. That can therefore be afforded only little weight.

5.47 Taking all factors into consideration it is felt that the additional sports benefits from the proposal do not outweigh the significant other harms and that very special circumstances do not therefore exist to justify the proposal.

Public Sector Equalities Duty

5.48 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 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 relevant protected characteristic and persons who do not share it.

5.49 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic.
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.50 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.51 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 The proposal relating to the construction of a series of floodlit hockey pitches with tennis and netball courts and a grounds maintenance depot would be significantly harmful in terms of its impact upon the residential amenity of neighbouring properties. It has not been demonstrated that the surrounding road network is able to cope with the associated intensification of vehicle journeys. It has not been demonstrated that the site can be safely and satisfactorily drained. The proposal would lead to significant harm to the landscape character of the site, the biodiversity value of a steppingstone on a faunal species transit route along the river corridor and two significant veteran trees of major townscape importance. Notwithstanding the undoubted sporting benefit of the proposal the site remains within the Green Belt until the objection relating to its removal from the Green Belt is resolved and the Local Plan adopted. The proposal is inappropriate in Green Belt terms and very special circumstances have not been demonstrated. The proposal is therefore unacceptable in planning terms and refusal is recommended.

7.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt. In accordance with paragraph 152 of the National Planning Policy Framework (NPPF), the proposed development constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by failing to preserve the setting and special character of the city.

The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms (adverse impact on landscape character and visual amenity and insufficient drainage, highways information and ecological impacts) when substantial weight is given to the harm to the Green Belt. Very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 13 of the National Planning Policy Framework and policy GB1 of the Draft Local Plan (2018).

2 Insufficient information has been provided in terms of the following highways issues:

- Increase traffic flows, including coaches accessing and egressing the site
- Proposed parking and drop off area implications

Without the information it is not possible to assess the implications on the road network in the immediate vicinity and at key junctions within the wider network contrary to Policy T1 of the 2018 Draft City of York Local Plan and paragraph 115 of the NPPF

3 Insufficient information has been provided to enable the noise impacts of the substantial intensification of the use of the site and its associated access on the residential amenity of neighbouring properties to be properly assessed and appropriate mitigations if derived contrary to paragraph 135(f) of the NPPF and Policy ENV2 of the 2018 Draft City of York Local Plan.

4 Insufficient information has been provided to demonstrate that surface water from the site can be safely and satisfactorily drained taking account of the site's location and substantial increase in impermeable surfaces contrary to paragraph 173 of the NPPF.

5 The development by virtue of the substantial increase in disturbance through spectators, comings and goings and the significant intensification of sporting activities with the provision of high levels of intense flood lighting would fundamentally harm the use of a "steppingstone" for faunal species including bats and insects transiting along the River Ouse within the formal Impact Risk Zone of the Clifton Ings/Rawcliffe Meadows SSSI contrary to paragraphs 185 and 186(a) of the NPPF.

6 The proposed development would result in harm to the health of two identified veteran trees at the site boundaries which make a substantial contribution to the wider street scene of Westminster Road and surrounding area by virtue of interference with their root protection areas without wholly exceptional reasons to justify the harm or a suitable compensation strategy to outweigh the harm contrary to paragraph 186(c) of the NPPF.

7 The development by virtue of its scale, location and accumulation of visually harsh engineered elements with associated lighting would cause significant adverse harm to the landscape character of the site and the surrounding area together with wider views across the site from the public rights of way network toward York Minster to the south east contrary to Policy D2 of the 2018 Draft City of York Local Plan and Paragraph 135 of the NPPF.

8.0 INFORMATIVES:

Notes to Applicant

Application Reference Number: 22/02288/FULM

Item: 4a

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

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

- i) Sought a detailed justification for the level of harm caused by the proposal
- ii) Sought a reduction in the scale of the development

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

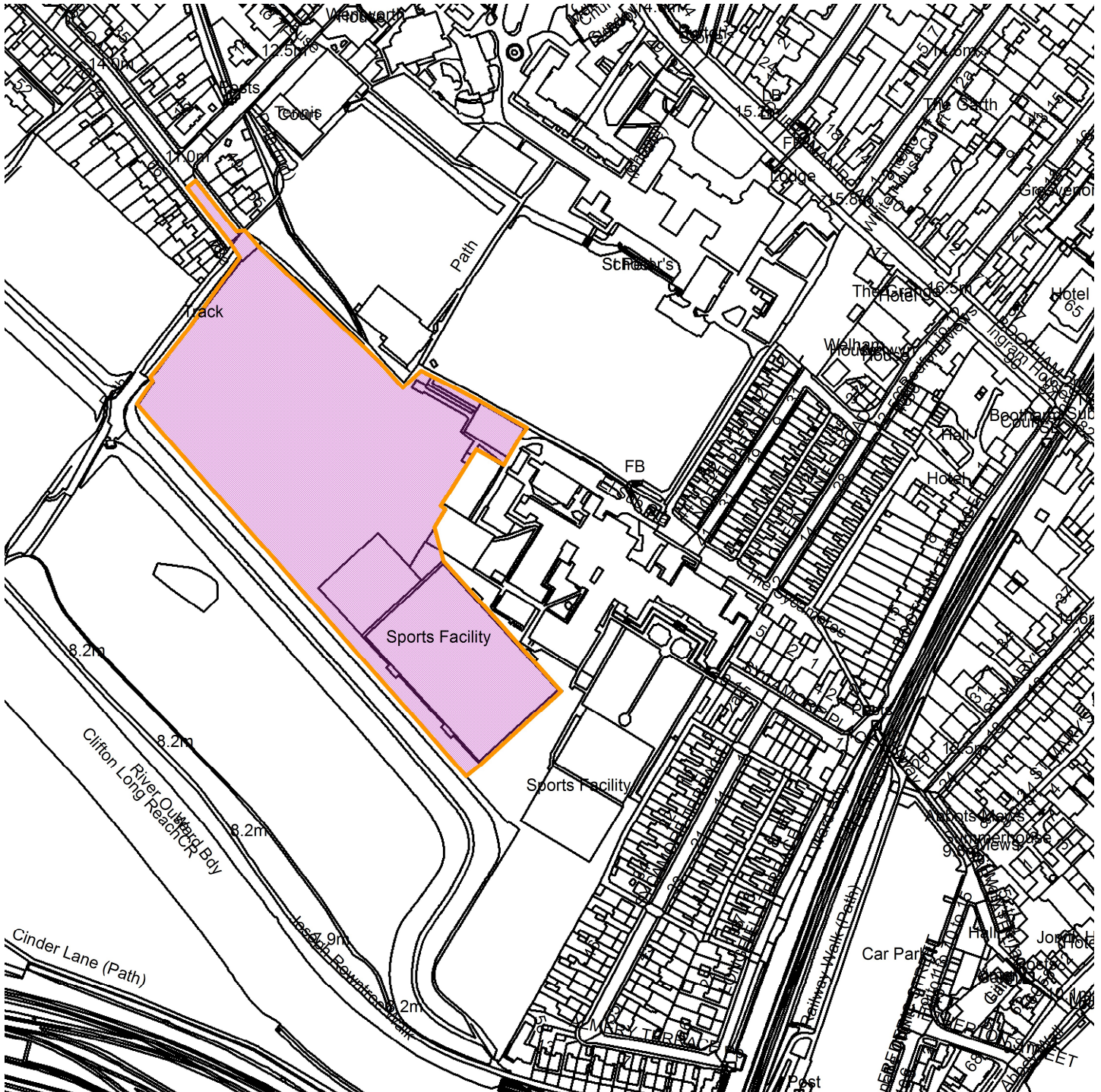
Contact details:

Case Officer: Erik Matthews
Tel No: 01904 551416

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St Peters School, Clifton YO30 6AB

22/02288/FULM



Scale : 1:3298

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Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	22 February 2024
SLA Number	Not Set

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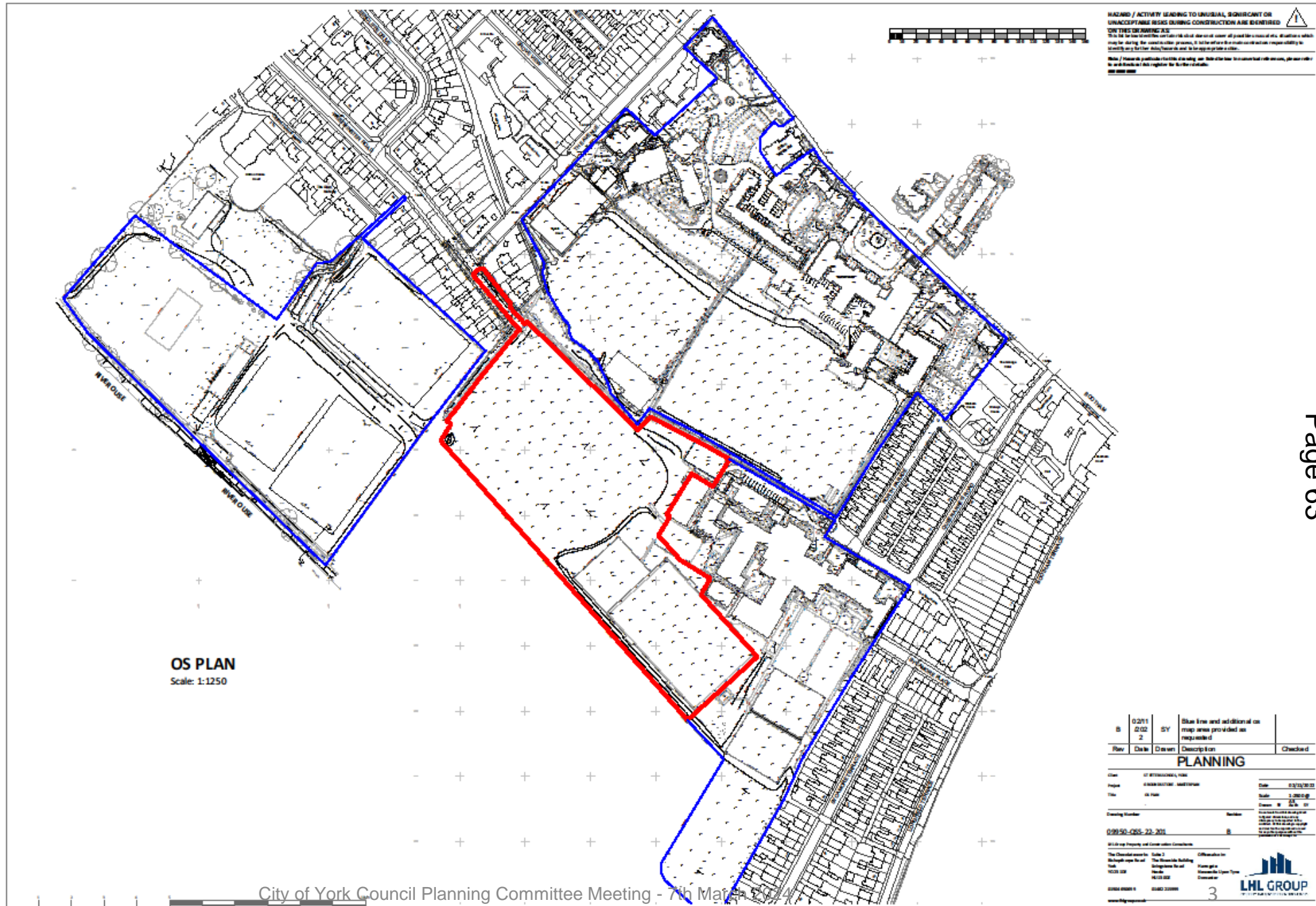
Planning Committee A

To be held on 7th March 2024

22/02288/FULM - St Peters School, Clifton, York

Erection of floodlit hockey pitch and tennis/netball courts, cricket nets, resurfacing and floodlighting to existing hockey pitch and associated access, car parking, coach drop-off, storage and landscaping

Site Location Plan



Access including
existing Horse
Chestnut Tree –
Westminster Road



St Peter's Access
looking towards
Westminster Road





Application Site from the North East



Application Site from North West looking toward York Minster

Application Site from
North West



Application Site from
North



St Peter's Cracked Willow Tree



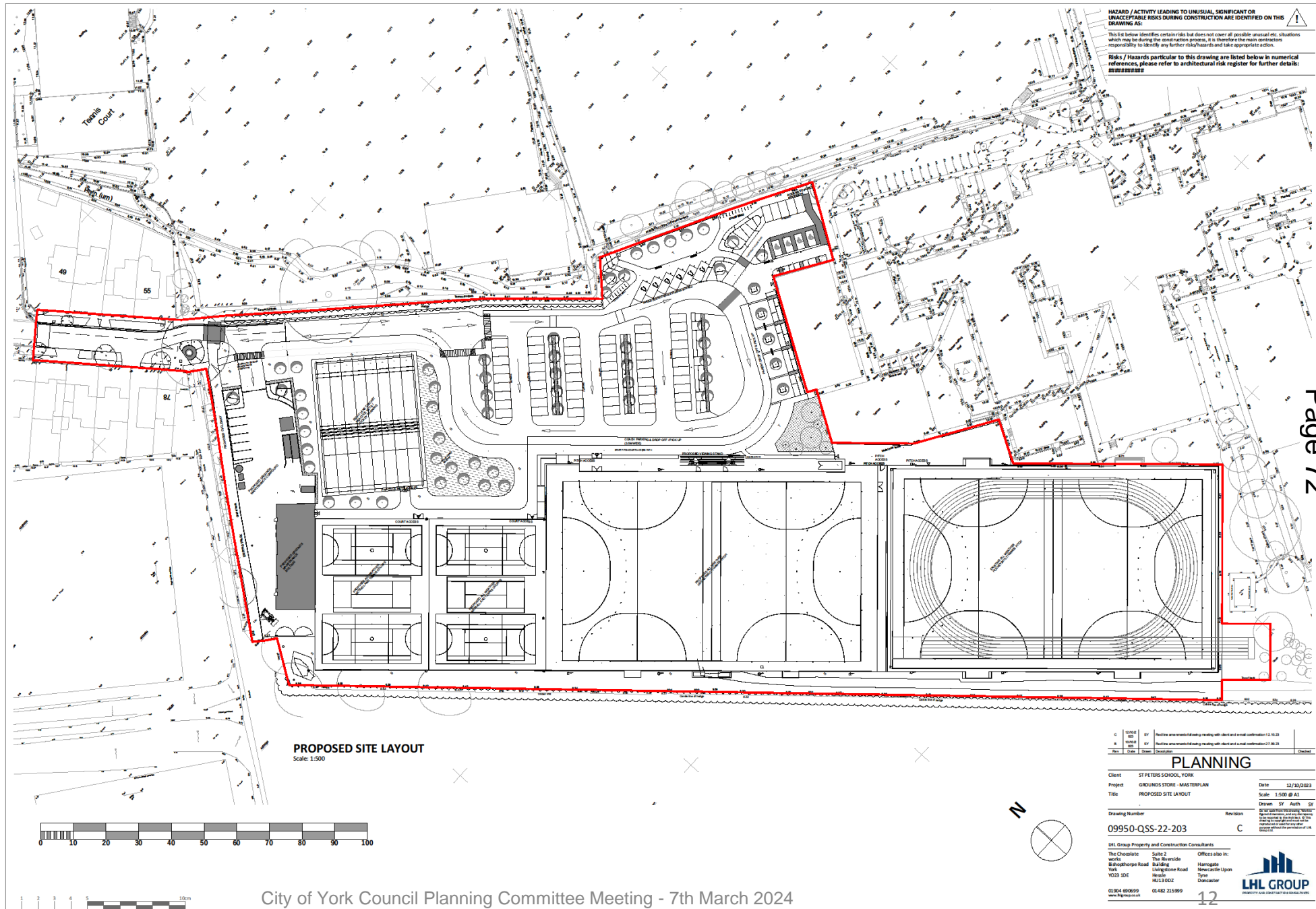
School from Riverside
(1)



School from Riverside (2)



Proposed Site Layout



Floodlighting and Spectator Facility Elevations

St Peter's School

Creation of a Hockey AGP and 2Nr. Netball & Tennis MUGAs

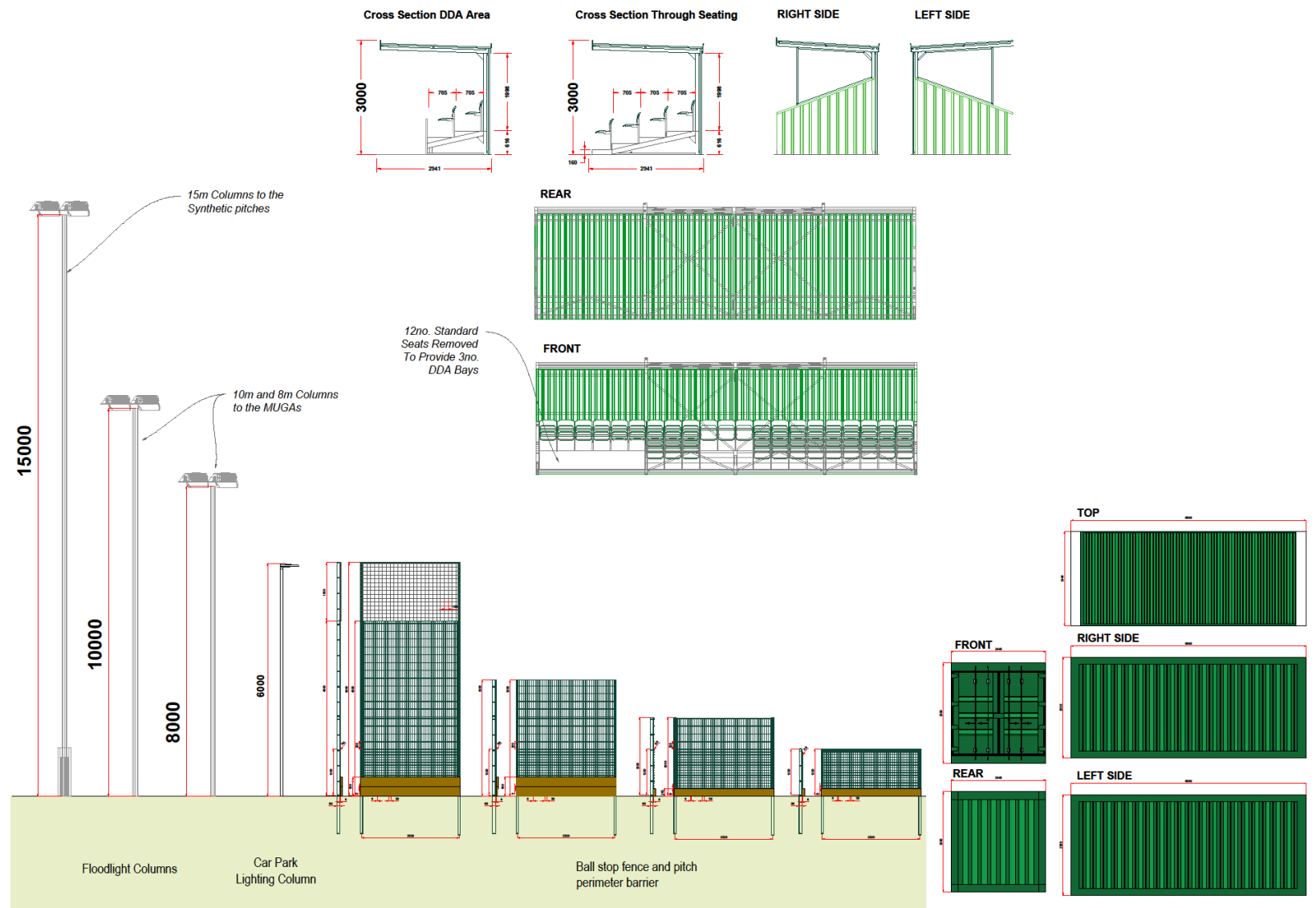
Spectator Stand - 2no. Modular Stands Provided Side By Side



SSU
Surfacing Standards Limited
SPORTS PITCH CONSULTANTS

CONSULTANTS
Surfacing Standards Limited
100, The Quadrant, York, YO1 1QD
01904 616161

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CODES OF BEST PRACTICE TO WHICH THE CONTRACTOR IS SUBJECT TO.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
3. ALL WORKING SHOULD BE DONE IN ACCORDANCE WITH THE HEALTH AND SAFETY REGULATIONS AND IN THE INTEREST OF THE PUBLIC.



REV	DESCRIPTION	BY	CHK	DATE
<p>SSU Surfacing Standards Limited SPORTS PITCH CONSULTANTS</p>				
<p>PROJECT: SS2624 SCALE: 1:50 SHEET: A1</p>				
<p>13</p>				

Grounds Maintenance Store Elevations

CONSTRUCTION NOTES

All works to be in accordance with the following:
 1. Approved document regulation 7 of the Building Regulations 2010 Materials and Workmanship 2013 Edition.
 2. Current British Standards & Codes of Practice.
 3. Manufacturers Recommendations and Details.

STEELWORK

To be designed by Structural Engineer. Portal frame to be designed with haunch height of minimum 3.1m. Building to be designed with eaves: 4.2m min and ridge: 5.2m min

FOUNDATIONS

To be designed by Structural Engineer.

EXTERNAL WALLS

WALL TYPE 1 - Vertical Sheet Cladding - Green

Vertical 0.7mm thk profile sheet steel cladding (firth steels N1000C wall profile or similar), plastisol Green

WALL TYPE 2 - Vertical Timber Cladding - Larch Timber

Kingspan KS1000R/60 tile support composite wall panels laid vertically - Colour Black

Timber horizontal 45 x 45mm counter battens to be fixed in the panel valleys, located at 600mm centres (approximately) to allow vertical 18mm x 65mm larch timber boards to be fixed.

WALL TYPE 3 - Rendered Panel

Rendered panel to be provided to allow for Tennis wall.

ROOF

ROOF CLADDING

Roof 0.7mm thk firth steels N1000R roof profile, plastisol Green to match wall cladding.

GRP ROOFLIGHTS

Translucent lights to be Triple skin roof lights insulated with 10mm thick polycarbonate core to achieve 1.3 U-Value.

DOWNPIPES AND GUTTERING

Rainwater Goods - Colour Anthracite Grey

Trimline style gutter system - Anthracite Grey. Gutter complete with outlets, stopends and support brackets, pipes 100mm square plastisol coated complete with bends and support brackets.

EXTERNAL DOORS

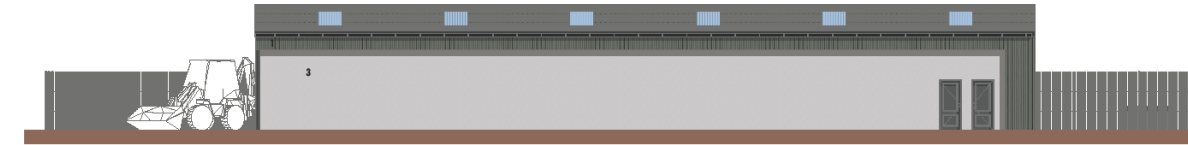
ENTRANCE DOOR

External door to be Polyester Powder coated Steel door colour Anthracite grey with a u-value not exceeding 2.2 W/ m2.k.

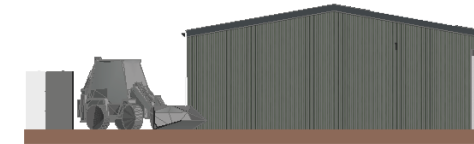
ROLLER SHUTTER DOOR

SECTIONAL ROLLER SHUTTER

RSD 01 & 02:
 Sectional overhead door on overhead track system.
 Sectional door to provide clear opening of 4,000mm wide x 3,200mm High. External panel face to be Anthracite Grey. Door to electrically operated.



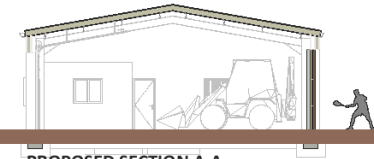
PROPOSED REAR ELEVATION - 1
SCALE 1:100



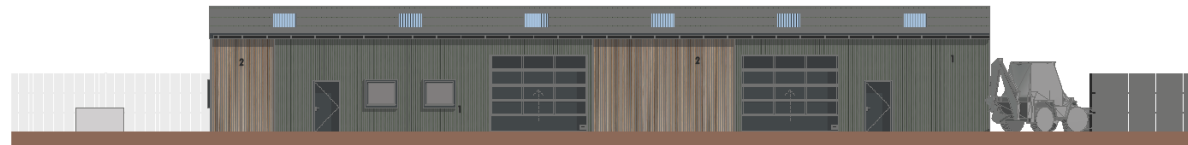
PROPOSED SIDE ELEVATION - 2
SCALE 1:100



PROPOSED SIDE ELEVATION - 3
SCALE 1:100

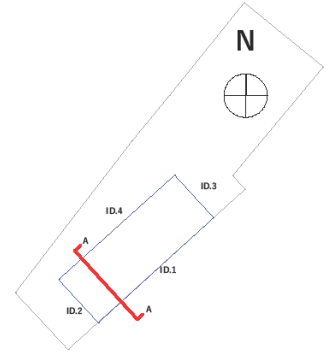


PROPOSED SECTION A-A
SCALE 1:100



PROPOSED FRONT ELEVATION - 4
SCALE 1:100

HAZARD / ACTIVITY LEADING TO UNUSUAL, SIGNIFICANT OR UNACCEPTABLE RISKS DURING CONSTRUCTION ARE IDENTIFIED ON THIS DRAWING AS:
 This list below identifies certain risks but does not cover all possible unusual etc. situations which may be during the construction process, it is therefore the main contractors responsibility to identify any further risks/hazards and take appropriate action.
Risks / Hazards particular to this drawing are listed below in numerical references, please refer to architectural risk register for further details:
 #####



Rev	Date	Description	Checked
PLANNING			
Client	ST PETERS SCHOOL, YORK		Date
Project	GROUNDS STORE - MASTERPLAN		27/10/2022
Title	PROPOSED ELEVATIONS		Scale 1:100 @ A1
Drawing Number	09950-QSS-22-207	Revision	
LHL Group Property and Construction Consultants			
The Client's Site	The Riverside	Offices also in:	
Bishopthorpe Road	Harrigate	Newcastle Upon	
York	Leeds	Doncaster	
YO23 1DE	HEALF	DN1 1JQ	
01904 600600	01482 316500		

Proposed Fencing and Floodlighting Design



www.surfacingstandards.co.uk

Sports Facilities - Proposed Materials and Appearance St Peter's School, York



Sand dressed synthetic turf, its appearance similar to well-maintained natural grass



Maintenance equipment store



Porous macadam hardstanding to side of pitch



Simline LED floodlight lamps providing precise light distribution



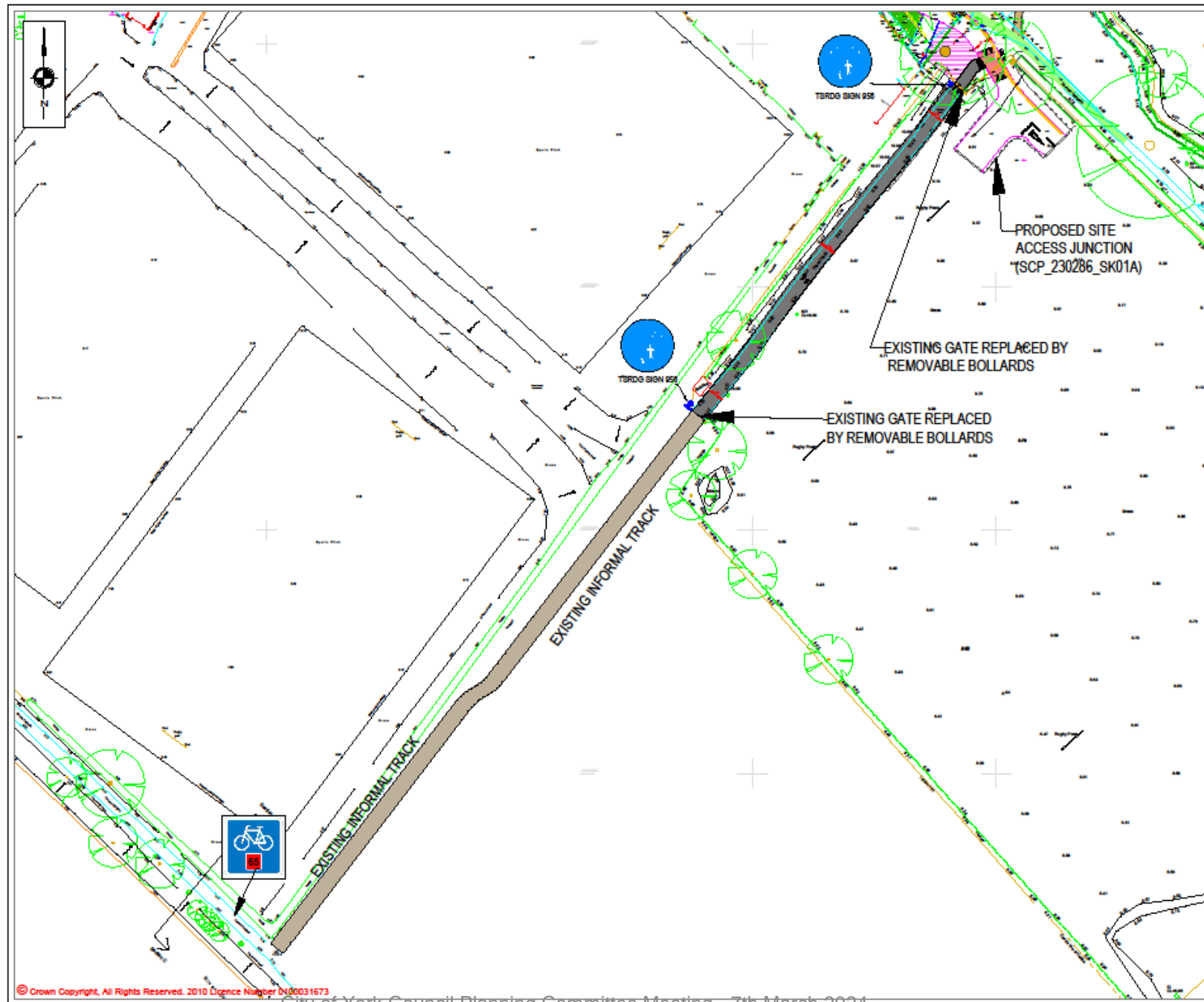
Rigid panel ballstop fencing to perimeter of facilities, powder coated RAL 6005 dark green so discrete against a rural backdrop



Proposed Cricket Nets



Proposed Cycle Path



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City of York Council Planning Committee Meeting - 7th March 2024

NOTES

REVISIONS

REV	DESCRIPTION	DATE
A	MINOR AMENDMENTS	24/28/23
B	COLOR CHANGES	01/28/24



Client Name:
ST PETER'S SCHOOL

Project Title:
ST PETER'S SCHOOL, YORK

Drawing Title:
**PROPOSED SHARED PEDESTRIAN/
CYCLE PATH**

Drawn By: AT	Status: DRAFT
Checked: JP	Scale: NTS

Drawing No.: **SCP/230386/SK02** Rev: **B**

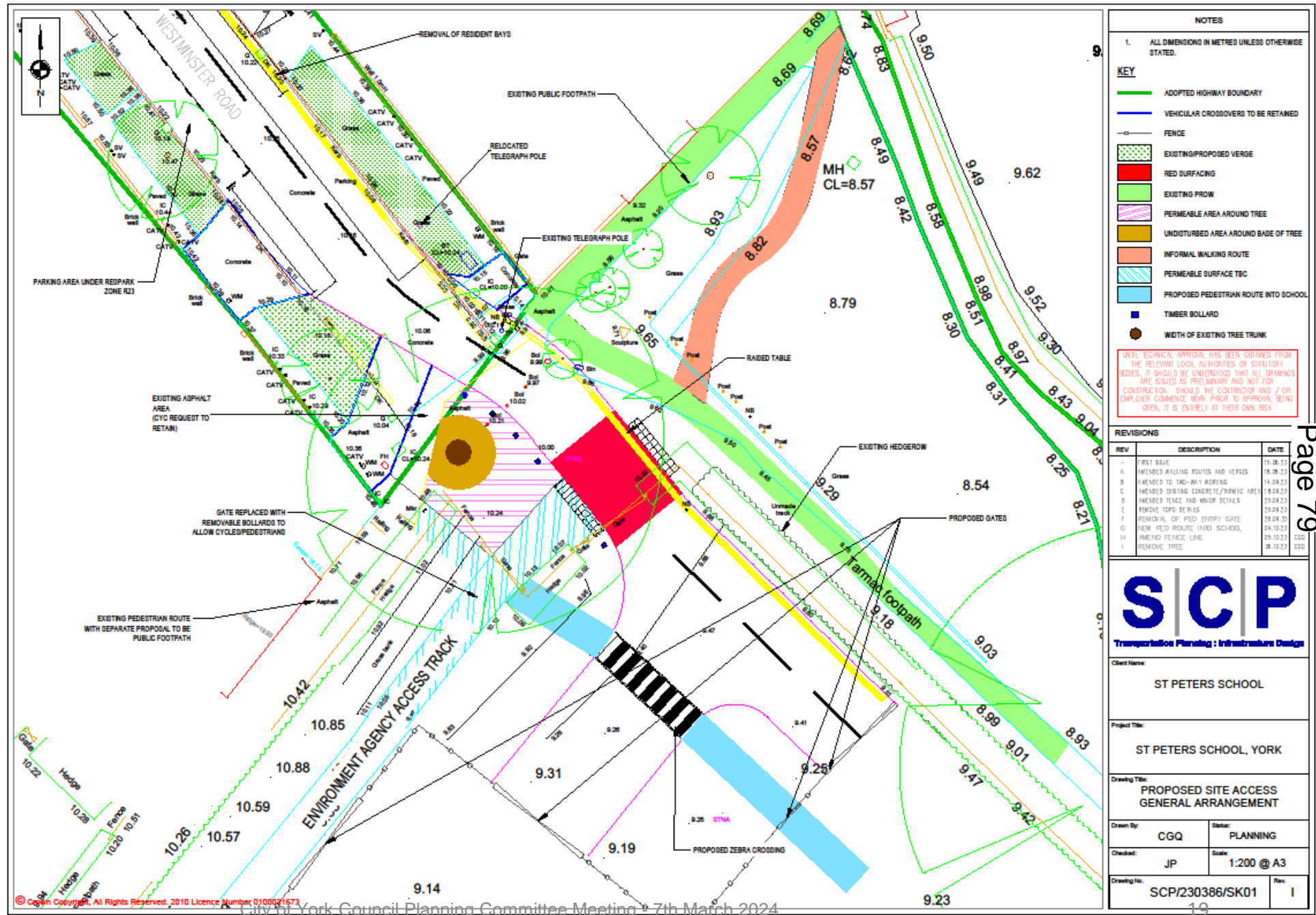


Proposed Site Access General Arrangement

1. ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.

KEY

- ADOPTED HIGHWAY BOUNDARY
- VEHICULAR CROSSOVERS TO BE RETAINED
- FENCE
- EXISTING/PROPOSED VERGE
- RED SURFACING
- EXISTING PROW
- PERMEABLE AREA AROUND TREE
- UNDISTURBED AREA AROUND BASE OF TREE
- INFORMAL WALKING ROUTE
- PERMEABLE SURFACE TBC
- PROPOSED PEDESTRIAN ROUTE INTO SCHOOL
- TIMBER BOLLARD
- WIDTH OF EXISTING TREE TRUNK



Tree Survey and Constraints Plan

Site Address: St Peters School, Clifton York YO30 6AB

Tree Surveyor: Ian Barnes/ Matt Metcalfe

Arboricultural Impact Assessment:

The scheme aims to formalise the existing maintenance entrance to the sports field whilst protecting and retaining the principle trees within the area.

Enhancing the growing environment:

The scheme includes the improvement of retained trees growing environments by undertaking pre commencement tree health care operations such as ground decompaction within the RPA's and vertical mulching/top dressing/mulch.

The scheme recognises the dominance of the trees, in particular T2 a large Horse Chestnut which is currently heavily compacted throughout most of its root zone. The scheme widens the verge bed for T1 where a wider rooting area will be available for the tree. To gain access across the existing drive through T2's RPA the scheme aims to install a root bridge using piles placed in locations known to be away from the roots using a combination of previous root radar studies and exploratory air excavation and an above ground raft with a porous hard wearing surface. Such a system placed on decompacted ground has minimal impact on the trees roots and allows for future root development. To avoid mounding the inevitable level change adjacent to the root bridge, solid barriers should be installed rather than battering/mounding within the RPA.

Tree Removals

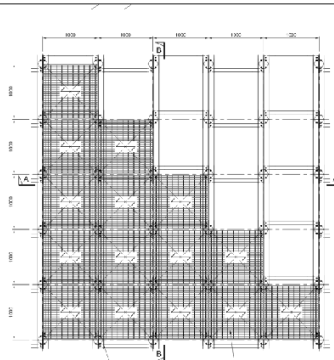
The scheme requires the removal of T3 (C3) and a small section of H6. Both removals are intentional to further protect T2 (A2).

Tree Protection

Typically, Braced Type 1 Tree Protection Fencing in line with BS5837:2012 is recommended or that of solid hoarding.

Tree Precautionary Zone

The scheme aims to protect deep impacted surfaces within RPA's during the construction phase by using ground protection boarding relevant to the operations being carried out within them.



PLAN ON TYPICAL ROOTBRIDGE PLATFORM GRILLAGE

Tree Precautionary Zone
The proposed surface should be a root bridge utilizing systems such as Green Grid Systems to reduce the impact on T2's RPA. The existing ground should be de compacted by appropriate means under the Project Arborists supervision and vertically mulched. Ground protection boarding should then be deployed while the piles and root bridge system is installed.

Pile locations should be 'blow out' using compressed air first to check for no roots over 25mm in diameter.

The top wearing course should be porous to allow moisture to reach the roots beneath and physical crash barriers installed on either side of the road to deter from the need to batter/slope the edges creating level changes within the RPA.

Soil Improvement Area
As large an area as possible close to the retained tree shall have soil improvements works undertaken. These works shall involve decompaction and good quality wood chip layered to a depth of 75mm avoiding contact with the main stem/butressing.

Tree Precautionary Zone
Re surfaced access drives not to be excavated below the existing sub base and ground protection laid. Top wearing course should be replaced with porous tarmac and the surface to the east/south of the new access drive should be removed by hand below the sub base, de compacted and replaced with good quality free draining soil and fenced off.

The scheme requires the removal of T3 (C3) and the partial removal of H6

Tree Pruning
T2 should be crown lifted to facilitate 5m clearance from the proposed root bridge in line with BS3998:2010 limiting wound size to 50mm

Tree Precautionary Zone
Ground protection boarding laid during initial construction phase. Where Root bridge ends, it should link onto Cellweb if within the RPA or continue to the extremes of the RPA



DO'S **TREE PROTECTION** **DON'TS**

Use good value soil to the site, provide shade, an arborist, remove or quality of soil to be protected as part of any planting or other protection in order to avoid any tree to stop growing in the other way.

TREE ROOTS
Sow on a 100mm mesh 150mm deep 100mm wide edge as well as naturally hard due to the mass of the soil, it should be accessible to drainage.

TREES ROOTS
Many people believe that roots extend as far as the drip line, it is only the top 10% of the roots that are active. We must all avoid any unauthorised damage to roots. The soil should be stabilised in order to prevent tree roots from being cut or severed in the process.

RESULTS OF BREACHING THE CEZ
Soil Compaction: This can cause roots to die and the tree to become unstable. **X**
Excavation: Care of the roots is essential, which can affect a tree's health or stability. **X**
Soil and Root Removal: This can cause the tree to become unstable and may lead to its death. **X**
Chemical Spill/Injuring Cement: This can cause the tree to become unstable and may lead to its death. **X**
Tree Damage: This can cause the tree to become unstable and may lead to its death. **X**

T 01423 322 371 | info@barnesassociates.co.uk | W barnesassociates.co.uk

Individual Tree Symbols

BS5837 - Category Colour Coding

- A - High Quality Tree or Group
- B - Moderate Quality Tree or Group
- C - Low Quality Tree or group
- U - Unsuitable for Retention

Tree Protection Methods

High Risk Tree Protection Fencing Type 1 (TP1)
This is to be provided by Braced Here Fencing on solid panels. Panels should be excavated by powered hand auger or low pressure air jetting ground protection or outside the Precautionary Zone.

Construction Exclosure Zone (CEZ)
Indicated by the red net hoarding. These areas shall be appropriately protected before the start of the works, storage and operations. To be protected by appropriate Fencing and/or Ground Protection. These areas shall be identified with signage.

Tree Precautionary Zone - (TPZ)
Indicated by Blue Hoarding. The root activity is shown in these areas and will need to be appropriately protected before the start of the works. Materials and methods need to limit excavation, root loss or damage to soils.

Trees to be retained and protected in line with BS5837
through requiring facilitation pruning. Pruning to be in line with BS3998.

Trees to be removed to enable the scheme to be carried out as proposed.
All works to be undertaken in line with BS3998.

Indicative Sun Path / Altitude

Indicative Sun Rise / Set

LHL Group

St Peters School
Westminster Road Access
Tree Survey & Constraints Plan

BA12012TS P
1:200 @ A1
20/09/2023

MM SB IB

BARNES associates
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W barnesassociates.co.uk
Company Number 10438116
Registered in England and Wales



Root Bridge examples



COMMITTEE REPORT

Date: 7 March 2023 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 23/01647/FULM
Application at: Enterprise Rent-a-car 15 Foss Islands Road York YO31 7UL
For: Erection of 3, 4, and 5 storey student accommodation building with associated car parking and access following demolition of existing buildings
By: Gregory Properties Ltd
Application Type: Major Full Application
Target Date: 15 April 2024
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site is on Foss Islands Road, around 90m north of Walmgate Bar. The site accommodates former industrial buildings (now vacant) and hard-standing, the latter associated with a car hire facility. The site is between terraced housing to the south and Waitrose supermarket and car park to the north. The site fronts the inner ring road and the City Walls are opposite. To the east are residential blocks of housing ranging between 3 and 4 storey.

1.2 The site is outside of, but adjacent to, the Central Historic Core Conservation Area. The conservation area boundary terminates at the embankment to the walls over the road and around the terrace of houses to the south.

1.3 The site is within an Area of Archaeological Importance. The majority of the site is within Flood Zone 2 with the southwest corner within Flood Zone 1. The site is in an Air Quality Management Area.

THE SCHEME

1.4 Planning permission is sought for a 3-5 storey block of purpose-built student accommodation. The building would be 3-store fronting the inner ring road / Foss Islands Road, stepping up to 5-storey at the rear towards Elvington Terrace. The accommodation would comprise of 133 rooms including 7 fully accessible studio

rooms. There would be communal social spaces on the ground floor and each of the upper floors.

1.5 The application is supported by a design and access statement which explains how the scheme addresses the issues raised by the Planning Committee when considering a previous scheme for the site.

1.6 The layout incorporates a forecourt providing vehicle access. This enables servicing away from the inner ring road and provides 3 disabled car parking spaces (with an EV charging facility). There is cycle parking for visitors and residents, including space for over-sized cycles.

1.7 A previous application for development of the same description was decided at Committee A on 6 July 2023 (22/01795/FULM). The application was recommended for approval by officers, but the Planning Committee determined to refuse the application.

1.8 The two reasons for refusal were loss of employment land and regarding amenity for future occupants, as follows:

- Insufficient information has been submitted to demonstrate that the proposal would comply with the requirements of Policy EC2 (Loss of Employment Land) of the draft Local Plan (2018) and Policy E3b (Existing and Proposed Employment Sites) of the Development Control Local Plan (2005).
- The proposed development fails to promote the health and well-being of future occupants due to the limited room size of the studios and lack of communal spaces throughout all levels of the development. It does not create a safe, inclusive and accessible development due to the limited lift provision to accessible rooms above ground floor level and inadequate accessible car parking provision.

ENVIRONMENTAL IMPACT ASSESSMENT

1.9 The proposed development does not comprise 'Schedule 1' development. It is of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The site is not within or adjacent to an environmentally sensitive area (as specified in the regulations). Due to the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

RELEVANT PLANNING HISTORY

- 21/01854/FULM - Erection of 4 storey student accommodation building with associated car parking following demolition of existing buildings - Withdrawn
- 22/01795/FULM - Erection of 3, 4, and 5 storey student accommodation building with associated car parking following demolition of existing buildings. – Refused (Committee 06.07.2023)
- Appeal - APP/C2741/W/23/3330873 of application 22/01795/FULM – pending.

2.0 POLICY CONTEXT

2.1 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. A round of further examination is due to take place in 2024 to address the inspector’s questions in respect of Policy H5: Gypsies and Travellers and contain one question which relates to Policy H6: Travelling Showpeople. Policies are given weight in accordance with NPPF paragraph 48. Policies carry moderate weight when not subject to unresolved objections and when consistent with the NPPF.

2.2 Draft Local Plan (2018) policies most relevant to this application are:

EC2	Loss of Employment Land
H7	Off Campus Purpose Built Student Housing
CC2	Carbon reduction
D1	Placemaking
D2	Landscape and Setting
D6	Archaeology
D10	York City Walls and St. Mary’s Abbey Walls (‘York Walls’)
GI2	Biodiversity and Access to Nature
GI6	New Open Space Provision
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV4	Flood Risk
ENV5	Sustainable Drainage
WM1	Sustainable Waste Management
T1	Sustainable Access

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.1 No objection. Request condition for post-determination archaeological evaluation and building recording. The latter required to record understanding of the Foss Island branch railway and its associated structures.

3.2 A desk-based assessment for the site was produced as part of the pre-application process (YAT 2021). The report suggests that the site was probably used for agricultural purposes prior to the 19th century. A watching brief was undertaken at a proposed development site in 1988 but did not reveal any deposits of archaeological significance. The site has not been subject to any targeted archaeological investigation relating to this scheme.

3.3 It is assumed that the site comprises of natural deposits overlain by medieval and later horticultural soils – these may contain stray finds from any period. More modern archaeological features may include those associated with the Foss Islands Branch Railway which is shown on the northern edge and possibly impinging into the proposed development site on the 1892 OS plan.

3.4 The site includes three buildings potentially dating to the mid-late 19th century. The Heritage Statement by Voyage suggests that at least two of the extant buildings are related to the Foss Islands Branch Railway. A light photographic record accompanied by background information on the buildings and any other railway related structures is required ahead of their demolition.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION)

3.5 No comments received. (No objection on heritage grounds on previous application).

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY)

3.6 No objection and recommend conditions to secure biodiversity enhancement, in accordance with the submitted bat survey and ecological appraisal and a landscape management plan. A condition is also recommended that no site clearance works take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful and detailed check of suitable habitats for active nests immediately before the works commence.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.7 No objection, request a condition to approve a detailed landscape scheme.

AFFORDABLE HOUSING TEAM

3.8 For new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City. The contribution is £5,352 per bedroom (currently). The contribution would be £711,772.78. The formula is based on the Average York Property price minus Average York Fixed RP Price.

CARBON REDUCTION

3.9 Requirements of policy CC1 and CC2 are sought via condition.

EMERGENCY PLANNING OFFICER

3.10 No comments.

LEAD LOCAL FLOOD AUTHORITY

3.11 No objection. Request condition the development be carried out in accordance with the Drainage Strategy – Re: 20.20341-ACE-00-XX-DR-C-1200 Revision P14 dated 23rd August 2023.

HIGHWAY NETWORK MANAGEMENT

3.12 Comments as follows -

- No objection to the provision of car parking and the access and servicing arrangements.
- The development does not form part of a residents parking zone; therefore residents (other than blue badge holders) will not be able to park in the nearby existing zones. The development would not be included in any new Res park zones in the future. Parking Management Plan requested to reduce the potential of student vehicles being parked on the highway.
- Request a travel plan and arrangements for managing student arrivals.
- No objection to cycle parking provision.
- Methods of construction required due to the location on the inner ring road.
- Planning obligations requested – travel plan support and for review of parking and loading restrictions on Foss Islands Road.

LIFELONG LEARNING AND LEISURE

3.13 No response. Advised on previous application that open space contribution could be used at either Hull Road Park and/or St Nicolas Fields Nature Reserve. Acknowledged there was an amount of amenity space site within the courtyards and the contribution requested was adjusted accordingly.

PUBLIC PROTECTION

3.14 Noise - The submitted noise assessment is suitable in terms of the noise mitigation measures to ensure residents are not adversely affected by noise and the proposed mitigation measures within the report should be adhered to. Ask that details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval.

3.15 Air quality - The scheme is anticipated to result in a reduction in traffic movements from the site compared to the former use. Long term exposure of future occupants of the accommodation to pollution from Foss Islands Road at ground floor level will be minimised as the ground floor area to the Foss Islands elevation does not contain any habitable rooms (bedrooms etc). Pollution levels to the first floor and above are likely to be lower than those monitored at ground floor level and within health-based standards.

3.16 Construction management request a condition in respect of noise / vibration / dust.

3.17 Land contamination – request conditions for a site investigation and remediation.

WASTE SERVICES

3.18 No objections

EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL

3.19 Object, overdevelopment of the site

- Too high and too close to the rear boundary
- The small size and poor location of the additional common rooms adds nothing to the social ambience.

FIRE AND RESCUE

3.20 No response

HISTORIC ENGLAND

3.21 No comments

POLICE ARCHITECTURAL LIAISON OFFICER 19.09.2023

3.22 No objections

YORKSHIRE WATER

3.23 No objection to the Flood Risk Assessment' 00.20341RP1 (rev P5).

THE VICTORIAN SOCIETY

3.24 Object. Due to the demolition's impact on the last physical link to the Foss Island branch line railway in central York. The potential loss of the former station master's house and waiting rooms poses a threat to the relatively intact understanding of the broader influence of the railway on York. Over the last 30 years, York has unfortunately witnessed a disproportionate loss of its 19th and early 20th-century industrial and working-class built heritage. It is crucial to take steps to retain noteworthy pieces of this heritage. Therefore, recommend the retention of the former station master's house and waiting rooms. (Officers note that a recording prior to demolition is proposed in respect of this issue).

4.0 REPRESENTATIONS

York Civic Trust

4.1 Object.

- Heritage - recommend the retention of the former station master's house and waiting rooms which are regarded to be a non-designated heritage asset.
- Built form - Scale and use of dark materials do not respect the setting. The mid-section of the proposed development is largely flat roof and 'blocky' in nature. It lacks a sense of 'Yorkness' as well as contrasting harshly with its surroundings.

- Amenity - Lack of amenity for future residents due to lack of communal space and size of bedrooms.

8 further representations raise following issues

- Increase in crime.
- Existing issues with anti-social behaviour and noise would increase.
- Loss of Minster Views from houses to the east.
- Lack of need for further student accommodation. Student accommodation should be provided on-site by the universities. Excessive amount of student development in this part of the city.
- Reduction in value of surrounding property.
- Loss of employment site.
- 5-storey building overdevelopment.
- Disturbance due to location of waste collection at rear.

5.0 APPRAISAL

KEY ISSUES

5.1 This is a resubmission following scheme 22/01795/FULM which was refused by members at committee A on 6.7.2023. The previous reasons for refusal were related to the loss of employment land and future occupant's level of amenity, the latter in respect of limited room size of the studios, lack of communal spaces, limited lift provision to accessible rooms above ground floor level and inadequate accessible car parking provision.

5.2 In response to the previous refusal, in this resubmission the internal arrangement has been amended compared to the previous application. The site layout (apart from an extra parking space) and external appearance of the building are unchanged. Further evidence has been supplied in respect of the loss of employment land.

5.3 The key issues relevant to the scheme covered in this report are –

- Principle of the proposed use and loss of employment land
- Amenity for future residents
- Amenity of surrounding occupants
- Flood risk and drainage
- Heritage assets
- The promotion of sustainable travel and impact on the highway network

- Sustainable design and construction
- Archaeology
- Biodiversity
- Public Sector Equality Duty
- Planning obligations

Principle of the proposed use and loss of employment land

Student need

5.4 Policy H7 (Off Campus Purpose Built Student Accommodation) of the Draft Local Plan (2018) sets out that proposals for new student accommodation should demonstrate a need for student housing that cannot be met on campus. The policy also requires a financial contribution towards delivering affordable housing elsewhere in the city. The policy explains how contributions are to be calculated. This is applicable where the accommodation will not be operated / managed by one of the universities. The contribution would be £711,772.78 and secured through a Section 106 agreement.

5.5 The Council's Strategic Housing Market Assessment (2016) (SHMA) acknowledged that the student rental market remains strong and that demand for PBSA is high, particularly from international students. The York Housing Needs Assessment 2022 covers need for affordable housing and older persons specialist accommodation, but not student housing.

5.6 Provision in York for purpose-built student housing (PBSA) compared to student numbers is as follows -

- For the 2022/23 academic year there were some 11,649 rooms within purpose-built student accommodation (PBSA).
- 2,361 further PBSA rooms have planning permission.
- In 2020/21 academic year there were 25,645 full time students.

5.7 Based on the data for student rooms and provision of PBSA in the city, there is no evidence to demonstrate a lack of demand for PBSA.

Loss of employment land

5.8 The site contains a car parking area, two storage type warehouse buildings (one with some ancillary space that could be used as offices) and a single building of domestic scale and appearance. Former uses were tyre repair and car rental. It would take investment to re-purpose these buildings for re-use. The neighbouring buildings are residential. It is highly likely an industrial or commercial use at this site

would raise concerns over amenity of neighbours or highway safety, the latter given the location on the inner ring road.

5.9 The previous reason for refusal referred to the section 6 of the NPPF which relates to the economy and advised “planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

5.10 Officer’s recommendation in the previous application was that that the loss of employment land / buildings was not grounds to refuse the application. The buildings were vacant and due to their poor condition, were difficult to insure. It was considered a redevelopment for offices would be very unlikely in this location, considering the peripheral location and distance from the train station (the council’s own evidence in relation to introducing a community infrastructure levy on new developments advises “based on current market conditions, the viability for speculative non-residential and non-retail uses is generally weak”).

5.11 Draft Local Plan (2018) requirements in policy EC2 regarding the loss of employment land require -

- i. Demonstrate the land or buildings are not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and
- ii. the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.12 The impact on economic growth can be given significant weight (as per the NPPF text in section 6) and must be weighed against other NPPF policies, including the requirement to give substantial weight to re-using brownfield land for homes (section 11).

5.13 The applicant’s case is set out in their statement of compliance with draft policy EC2 and is summarised as follows –

- Existing buildings are in a poor condition and are inefficiently configured. A substantial investment would be required to bring them up to a lettable standard. They would not lend themselves to a single operator and individual lettings for a mix of appropriate uses would be difficult to secure.
- Evidence provided that a speculative redevelopment for office or industrial would not be viable.

5.14 Officer's recommendation continues to be that loss of employment land is not sufficient grounds to refuse the scheme when considered in the round. Due to the site location, off the inner ring road and neighbouring housing, it is not best suited to an industrial type use, nor storage and distribution. The council's own evidence base - Porter Planning Economics CIL Viability Report 2022 (which looked at the viability for different building typologies) advises "based on current market conditions, the viability for speculative non-residential and non-retail uses is generally weak. This is not unusual since most commercial schemes come forward through pre-let arrangements based on the specific business plan of a particular occupier that may want to be located there or may need to implement changes to optimise operations that are not capable of being undertaken in their existing premises". The applicant's economic statement presents that a speculative redevelopment of the site for various commercial uses would not be viable.

5.15 The NPPF carries more weight than draft local policies and places a strong emphasis on re-using brownfield land to meet housing need. It states decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes". Given the national policy position and lack of potential for significant employment use of the site, considerably more weight should be given to housing delivery benefits the scheme would bring compared to the loss of employment land.

Amenity for future residents

5.16 NPPF Paragraph 135 establishes planning policies and decisions should ensure developments function well (135a), establish a strong sense of place (135d) and 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 (135f). The National Design Guide 2021 is a companion to the NPPF and provides guidance on well-designed places. One of the ten characteristics within the guide is homes and buildings – that they are functional, healthy, and sustainable.

5.17 The previous application (22/01795/FULM) was refused by committee on amenity grounds due to the size of rooms, lack of communal spaces and limited lift provision. A response to these refusal grounds is contained in the applicant's design and access statement. In the resubmission the amenity issues raised by members have been addressed as follows -

Size of rooms

5.18 There are a variety of studio sizes ranging from 20sqm to 41sqm. 7 rooms (5%) are fully accessible (and can accommodate wheelchair users) – these rooms are 30 sqm. The accessible rooms are to Building Regulation standards.

5.19 York has no planning guidance on room sizes. The applicants refer to the Leeds Council supplementary planning guidance, as a reference point, which recommends 20-28 sqm rooms sizes and communal space of at least 1sqm per bedroom (an increase is alluded to if rooms are at the smaller end of the range). The room sizes are consistent with all other purpose built student accommodation across the city. Applications have only been refused previously due to the lack of communal space and in this application since the last application substantially more communal rooms are proposed.

Communal space

5.20 The scheme shows communal space on each floor. Overall 380 sqm is proposed (2.8sqm per room). The main space is on the ground floor around the main entrance/reception. There is a first floor communal common room which is akin to the size of 3 studios (approx.. 70sqm). On the upper floors the communal space is akin to one of the rooms (noting that on the two upper floors, the floorplate is reduced). Further to the internal communal space there are two external landscaped courtyards which would provide residents with outside amenity space screened from the inner ring road. There is a significant increase compared to the refused scheme, which only had communal space on the ground floor.

Lift provision

5.21 Members raised issue previously that there was only a single lift. A second lift has been added in this scheme. The lifts are side by side opposite stair 2.

5.22 Paragraphs 92 and 130 of the NPPF require developments should create safe places and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The Designing Out Crime Officer has confirmed they have no objections to the proposed scheme.

Open space provision

5.23 Draft Local Plan (2018) policy GI6 states residential development proposals should contribute to the provision of open space for recreation and amenity, based on the requirements set out in the open space and green infrastructure update 2017. The policy advises an off-site contribution towards open space is acceptable where the site itself is unable to provide sufficient open space. An open space contribution towards amenity space is required. This would be secured through a Section 106 agreement. The contribution of £14,647 would be used to improve the amenity open space within the nearby Hull Road Park and/or St Nicolas Fields Nature Reserve.

Amenity of surrounding occupants

5.24 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment

and landscape setting. Policies D1 and ENV2 of the Draft Local Plan (2018) seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.25 The impact on surrounding occupants is unchanged since the previous scheme. The previous report to committee in this respect remains relevant which advised – “The distance between proposed building and the closest apartments to the south (Curlew House) would be 16 metres. The closest windows facing Curlew House would be 29 metres. Between the proposed building and Dunlin House to the east would be 22 metres. The proposed development is not considered to result in undue overlooking or loss of privacy. By virtue of the distance to the neighbouring and surrounding dwellings to the south and east it is not considered there would be an undue loss of light to these dwellings”.

Flood risk and drainage

5.26 The majority of the site falls within Flood Zone 2 (medium probability of flooding). Policy ENV4 of the Draft Local Plan (2018) is in accordance with Paragraph 173 of the NPPF which requires the Sequential Test is passed and there is a site-specific flood risk assessment which sufficiently demonstrates –

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

According to national planning guidance (NPPG) due to the type of development proposed and as the site is in flood zone 2, the Exception Test is not applicable.

5.27 A flood risk assessment has been provided that sufficiently evidences the scheme will be reasonably safe from flood risk applying NPPF criteria and it will include sustainable means of drainage. Importantly finished floor levels are set at a level which is required by guidance to defend against flood risk and factoring in climate change. There is access and egress; the front entrance is outside of the flood zone. Flood risk elsewhere is unaffected.

5.28 The aim of the Sequential Test is to steer new development to areas at the lowest probability of flooding (Zone 1). National advice in the NPPG states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken: "the area to apply the Sequential Test across will be defined by local

circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives".

5.29 The site is within a commercial/residential area and a sustainable location where the NPPF promotes an effective use of land, in particular to meet housing need. It is in an area with an increasing amount of purpose-built student accommodation due to accessibility to the universities and the amount of previously developed land. The site has historically been developed; the existing buildings cover just under half of the site (it is otherwise hard-standing for car parking). In applying the NPPF this is an area where regeneration is promoted. The proposed development passes the Sequential Test.

Heritage Assets

5.30 The site is just outside of the Central Historic Conservation Area (Character areas 16 Outer Walmgate and 17 Walmgate Bar), it is therefore considered to fall within the setting of the Conservation Area. The site is located approximately 18 metres to the east of the city walls and 82 metres from Walmgate Bar to the south (City Walls are Grade I and both are Scheduled Ancient Monuments).

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

5.32 The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 16 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

5.33 The surrounding area is varied in character. The development immediately inside of the City Walls comprises 1950's to 1970's residential blocks up to 4-storey. On the outside of the City Walls there is large scale retail at Foss Islands, up to 4-storey modern residential blocks. The Conservation Area extends to include the 19th century terrace to the south of the site and more historic 17th and 18th century housing along Lawrence Street. There are also contemporary purpose built student accommodation blocks which sit in this varied context in juxtaposition with listed buildings, specifically next door to St Lawrence Church; to the rear of the Grade II listed former residence of Samuel Tuke opposite the church and considering also the development under construction at James Street, to the south of Elvington Terrace.

5.34 The plan form and massing of the proposed block is a response to this varied context. The 3-storey building is nominally higher in eaves and ridge line compared to the terrace, although it is set further back from the street. The existing building on site is a different typology and right up against the footpath. At the rear the massing is comparable to the blocks of apartments to the east. The buildings perceived scale is moderated by the front gables on the outward facing elevations and the materials and articulation is reflective of other recently built purpose built student accommodation locally.

5.35 The massing, form, materials and articulation of the building is unchanged from the previous application which was to be determined to be acceptable in terms of how it related to its setting and the impact on heritage assets. There is regarded to be no harm to the setting of heritage assets.

The promotion of sustainable travel and impact on the highway network

5.36 Section 9 of the NPPF advises that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

5.37 Paragraph 114 states in assessing applications it should be ensured that safe and suitable access is achieved for all users and that 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. Paragraph 115 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.38 The site due to its sustainable location is one where section 9 of the NPPF would promote being developed at a higher density by virtue of its sustainable location.

5.39 The application is unchanged since the previous application (22/01795/FULM) in respect of the vehicle access, parking and cycling arrangements, apart from the addition of a 4th car parking space on the forecourt, making 3 spaces for blue badge holders (1 more than the previous application) and 1 space identified for maintenance / servicing. The previous report stated that “the proposals are considered to be acceptable in terms of principle of development and their impact on the surrounding highway network”. The cycle parking is a mix of sheffield type stands (x46) and 2-tier parking. The overall provision is 77% with space identified for future spaces subject to demand. 5% of the parking would accommodate over-sized cycles (as per LTN 1/20 recommendations. Less than 100% provision has consistently been accepted for student accommodation; post occupation monitoring demonstrates the level of provision in this scheme would be sufficient. A student management plan, with check-in process has been issued. This explains how vehicle arrivals would be managed so they could be facilitated on site.

5.40 The scheme would provide 133 student rooms. There is purpose-built student accommodation of a comparable typology, providing in the region of 1,500 rooms within a 500 m radius of the application site. These operational developments have similar provision in terms of cycle parking and being essentially car free. Because of the development type and the sustainable location there is no evidence that as a result there is significant or severe impact on the highway network. Inclusive access into the building is provided. There are 3 parking spaces for disabled persons and a drop-off point away from the highway. Government statistics on Blue Badge holders advise that in 2020, 0.1% of persons aged 20-24 hold a blue badge and 0.7% of 16-19 year olds. If these percentages were equated to the development proposed, then the 3 car parking spaces would be sufficient.

5.41 The previous report included a recommendation that £25,000 be secured towards travel plan support and £6,000 towards a review of parking on Foss Islands Road as planning obligations. For such obligations to be appropriate, they must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

5.42 A condition to secure a travel plan to promote sustainable modes of travel is sufficient. The travel plan will be required to accord with national planning advice in terms of management, implementation and ongoing review. The parking opposite is either pay and display or for use by residents with permits. This site is outside of the residents parking zone; future occupants would not be eligible for permits and disabled parking provision is on site. These payments recommended by consultees are not necessary to prevent significant or severe impacts on the highway network (i.e. the application would otherwise have to be refused when applying NPPF policy). As such they do not meet the legal tests for securing planning obligations and are therefore not requested.

Sustainable design and construction

5.43 In accordance with emerging local plan policy CC2 the applicants have confirmed the scheme is intended to meet BREEAM Excellent and a 28% reduction in carbon emissions compared to the 2013 Building Regulation requirements (the Carbon Reduction Team consultation response advises the criteria to be applied (in terms of the climate change policy) is for non-residential buildings).

Archaeology

5.44 The site is adjacent to the Area of Archaeological Importance. The standard condition for a written scheme of investigation is proposed. A recording of elements of railway heritage is required, in accordance with NPPF 211 which recommends local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Biodiversity

5.45 Paragraph 180 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.46 The proposed soft landscaping demonstrates biodiversity net gain. Further to this the provision of bat roosting and bird nesting features has been recommended the Preliminary Ecological Appraisal and Wold Ecology Ltd Bat Survey. A scheme to secure these measures can be secured by condition.

Public Sector Equality Duty

5.47 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 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.

5.48 The PSED does not specify a particular substantive outcome, but ensures that the decision made has been taken with "due regard" to its equality implications.

5.49 The Local Planning Authority has paid due regard to the Equality Act in arriving at its recommendation.

Planning obligations

5.50 Contributions towards off site affordable housing and open space are necessary when applying policies from the Draft Local plan 2018.

5.51 Draft Local Plan (2018) Policy H7 (Off Campus Purpose Built Student Accommodation) requires a financial contribution towards delivering affordable housing elsewhere in the city. The policy explains how contributions are to be calculated. This requirement is applicable where the accommodation will not be operated / managed by one of the universities. The policy is regarded to be NPPF compliant; the affordable housing need is evidence based and viability of the obligation has been tested. However, the policy does not carry full weight because it is subject to objections and the plan has not been adopted. The contribution would be £711,772.78 and would be secured through a Section 106 agreement.

5.52 Draft Local Plan (2018) policy GI6 states residential development proposals should contribute to the provision of open space for recreation and amenity, based on the requirements set out in the open space and green infrastructure update 2017. The policy advises an off-site contribution towards open space is acceptable where the site itself is unable to provide sufficient open space. An open space contribution towards amenity space is required. This would be secured through a Section 106 agreement. The contribution of £14,647 would be used to improve the amenity open space within the nearby Hull Road Park and/or St Nicolas Fields Nature Reserve.

6.0 CONCLUSION

6.1 Officers are satisfied that the previous reasons for refusal have been addressed. The NPPF states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This means granting planning permission unless:

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

6.2 On balance, regarding the weight to be given towards housing provision (which includes student accommodation) in the NPPF the loss of employment land in this case, given the site specifics, is not sufficient grounds to refuse the application. Further information has been provided, which relates to the Council's own evidence base; there is justification for the loss of employment land concerned. The economic objective in the NPPF 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; this objective is not compromised as a consequence of this scheme.

6.3 The disabled car parking provision is appropriate, and the layout has been revised compared to the previous scheme; there is an additional lift, further communal space across the scheme (on each floor) and a reasonable number of accessible rooms. The social objectives of the NPPF are reasonably met in this respect. Other materials considerations and technical matters have reasonably been addressed.

7.0 RECOMMENDATION: That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to -

The completion of a Section 106 Agreement to secure the following planning obligations:

- Affordable housing – £711,772.78 towards off-site affordable housing.
- Open space - £14,647 - used to improve the amenity open space within the nearby Hull Road Park and/or St Nicolas Fields Nature Reserve.

The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement and the planning conditions.

Recommended conditions

1 Development start within three years

The development shall be begun not later than the expiration of three years from the date of this permission.

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

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

FIR420V305-400-1101-2101 P04 site plan
FIR420V305-403-1101-2101 P 03 forecourt plan

Floor plans

FIR420V305-501-1101-2101 P 03 - ground floor
FIR420V305-501-1102-2101 P 03 – first floor
FIR420V305-501-1103-2101 P 01 – second floor
FIR420V305-501-1104-2101 P 01 – third floor
FIR420V305-501-1105-2101 P 01 – fourth floor
FIR420V305-501-1106-2101 P 01 – roof

Elevations and materials

FIR420V305-501-3100-2101 P 02
FIR420V305-501-3100-2102 P 02
FIR420V305-501-3100-2103 P 02
FIR420V305-501-3101-2201 P 02

Drainage scheme - 20.20341-ACE-00-XX-DR-C-1200-P14
ESP Management plan

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

3 LC2 Land contamination - remediation scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

4 LC3 Land contamination - remedial works

Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

5 LC4 Land contamination - unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

6 Hours of construction

The hours of demolition, construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

7 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: -

- Measures to keep the highway clean (such as 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.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.

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.

8 HWAY40 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.

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

9 Archaeology (non-designated heritage assets)

A programme of archaeological building recording, specifically a written description and photographic recording of any railway building or structure to Historic England Level of Recording 1 is required for this application.

a) No demolition of the station masters house and former waiting rooms (as referenced in figure 6 in the 1 Voyage Ltd Heritage Statement) shall take place until a valid contract for the carrying out and completion of works of redevelopment of the site, for which planning permission has been granted, has been entered into and a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by CYC and the Chartered Institute for Archaeologists.

b) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (a) of this condition and the provision made for analysis, publication and dissemination of results and digital archive deposition with ADS will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

c) A copy of a report shall be deposited with City of York Historic Environment Record and a selection of digital archive images with ADS to allow public dissemination of

results prior to first occupation of the use hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority).

Reason: In accordance with Section 16 of NPPF. The buildings on this site are of archaeological interest and must be recorded prior to demolition.

10 Archaeology (below ground)

A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

a) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and agreed with the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

b) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part a) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

c) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results prior to first occupation of the use hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority).

d) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI (there shall be presumption in favour of preservation in-situ wherever feasible).

e) No development shall take place until:

- details in part d have been approved in writing by the Local Planning Authority and implemented on site;
- provision has been made for analysis, dissemination of results and archive deposition has been secured.

Reason: In accordance with Section 16 of NPPF. The site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and

significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

11 Nesting Birds

No demolition 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 nesting habitat for active birds' nests immediately before such 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 breeding birds are protected from harm during proposed work. 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.

12 Ecology

The development hereby permitted shall be constructed in adherence with the mitigation and compensation measures and the biodiversity gains and recommendations recommended in the Foss Islands Bat Activity Survey Report 2023 issue 3 by Wold Ecology. The recommended bat and bird boxes shall be provided prior to first occupation / use 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 180 d) of the NPPF 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.

13 Materials

A sample panel of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of the construction of the approved building. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

A sample of the slate to be used on the roof shall be approved in writing prior to its installation.

All external gates and railings shall be powder coated dark grey or similar.

Other external materials shall be as specified on the approved elevation drawings.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of good design, in accordance with section 12 of the NPPF.

14 Large scale details

Large scale details of the following items shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the approved buildings and the works shall be carried out in accordance with the approved details.

a) Full section drawings at 1:20 or 1:10 illustrating typical details of external elevations.

Reason: In the interests of good design, in accordance with section 12 of the NPPF.

15 Landscaping

Within three months of commencement of development a detailed hard and soft landscape scheme, including any boundary treatment, shall be submitted to the Local Planning Authority for approval in writing. This scheme shall include the species, stock size, density (spacing), and position of trees, shrubs, and other plants. It will also evidence tree planting shall be compatible with existing and proposed utilities.

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

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

16 Drainage

The development shall be carried out in accordance with the details detailed in the submitted High Level Drainage Strategy - Re: 20.20341-ACE-00-XX-DR-C-1200 Revision P10 dated 18th November 2022.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with policy ENV5 of the draft local plan 2018.

17 BREEAM

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of at least 'excellent'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 6 months of first occupation/use of the building. Should the development fail to achieve a BREEAM standard of 'excellent' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a standard of 'excellent'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

18 Carbon reduction

The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

19 Site management

The site shall be operated in accordance with the ESP Property Management Plan file dated 14.2.2024. Additionally, the following shall apply to the development -

- Single occupancy only for the studio rooms as shown in the approved scheme.
- Blue Badge holders to be given priority for use of the three car parking spaces annotated as UA on the approved forecourt plan.

Reason: In the interests of amenity and highway safety

20 Travel Plan

Prior to first occupation of the development hereby permitted a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Full Travel Plan as approved.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of annual travel surveys carried out over period of 5 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

21 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating kerbing and footway; to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

22 Installation of areas for parking and servicing

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

Reason: In the interests of highway safety.

23 Cycle and bin storage

The cycle parking storage and refuse bin storage, including associated hard-standing and gates necessary for access, shall be provided, in accordance with the approved plans prior to first occupation. The facilities shall be retained for such use at all times.

Waste and recycling bins shall be stored in the refuse store at all times, except for collection days.

Reason: To promote sustainable transport and in the interests of good design in accordance with sections 9 and 12 of the NPPF. To ensure there is suitable cycle storage and refuse storage areas of the life of the development and to achieve a visually cohesive appearance.

24 Building services

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

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

25 Restriction of use

The development hereby approved shall be used only as student housing accommodation. No person other than a student registered with, and engaged in, a course of full time further or higher education or a delegate registered with and attending a part time educational course within the City of York administrative boundary shall occupy any part of the development at any time.

The owner, or site operator shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended. The register shall be available for inspection by the local planning authority on demand at all reasonable times.

Reason: For the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant, such as the inclusion of affordable housing.

26 Provision of amenities

The amenities for the occupants of the development (communal living areas, laundry, study rooms etc) shall be provided in accordance with the approved floor plans prior to first occupation of the development and shall be retained for the lifetime of the development.

Reason: In the interests of good design and the living conditions of the occupants of the development.

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: the use of planning conditions

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

3. INFORMATIVE:

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

Streetworks for: Works in the highway - Section 171 and Vehicle Crossings - Section 184 (01904) 551550 - streetworks@york.gov.uk

Contact details:

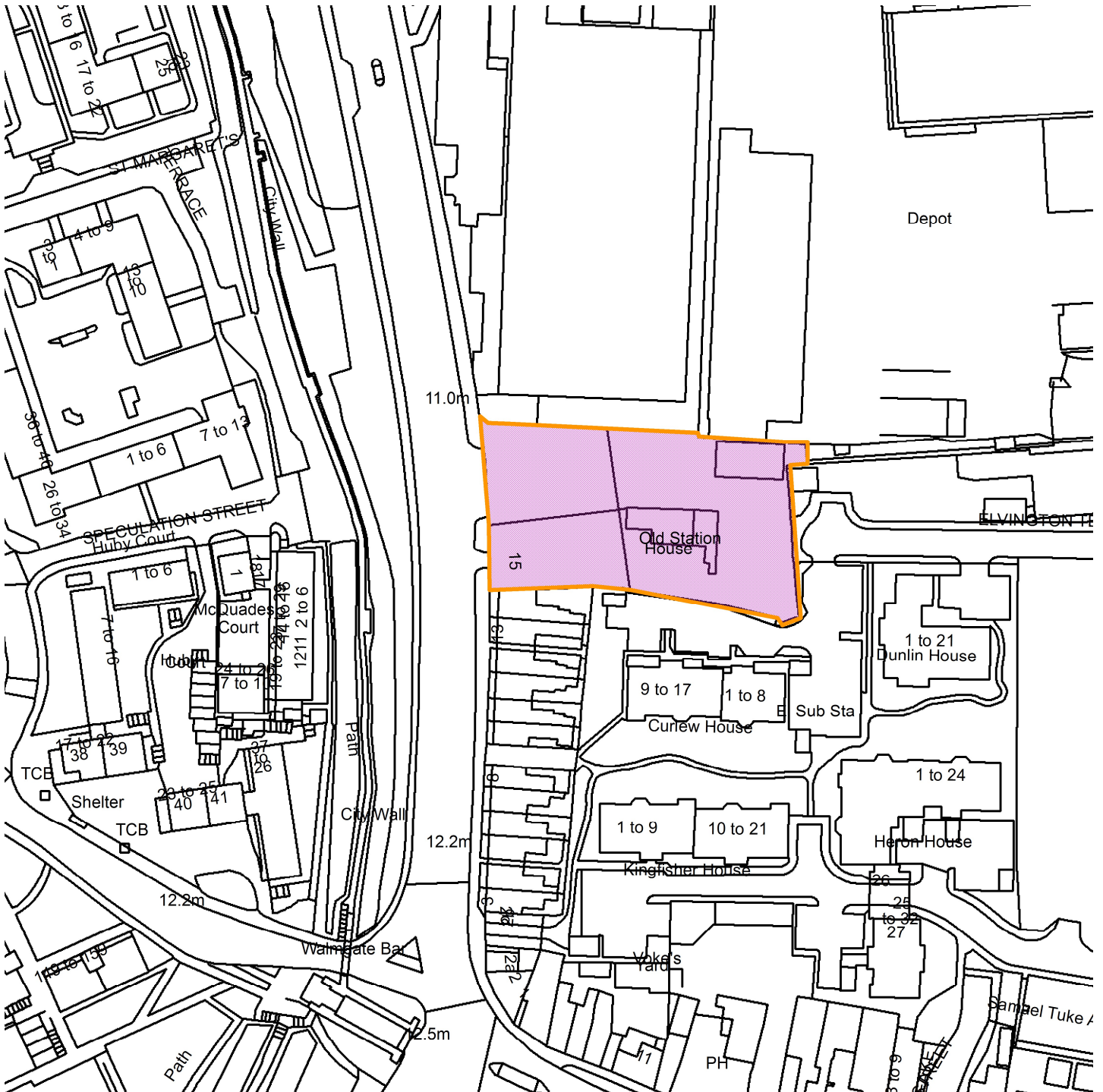
Case Officer: Jonathan Kenyon

Tel No: 01904 551323

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23/01647/FULM

Enterprise Rent-a-car, 15 Foss Islands Road YO31 7UL



Scale : 1:1262

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	22 February 2024
SLA Number	Not Set

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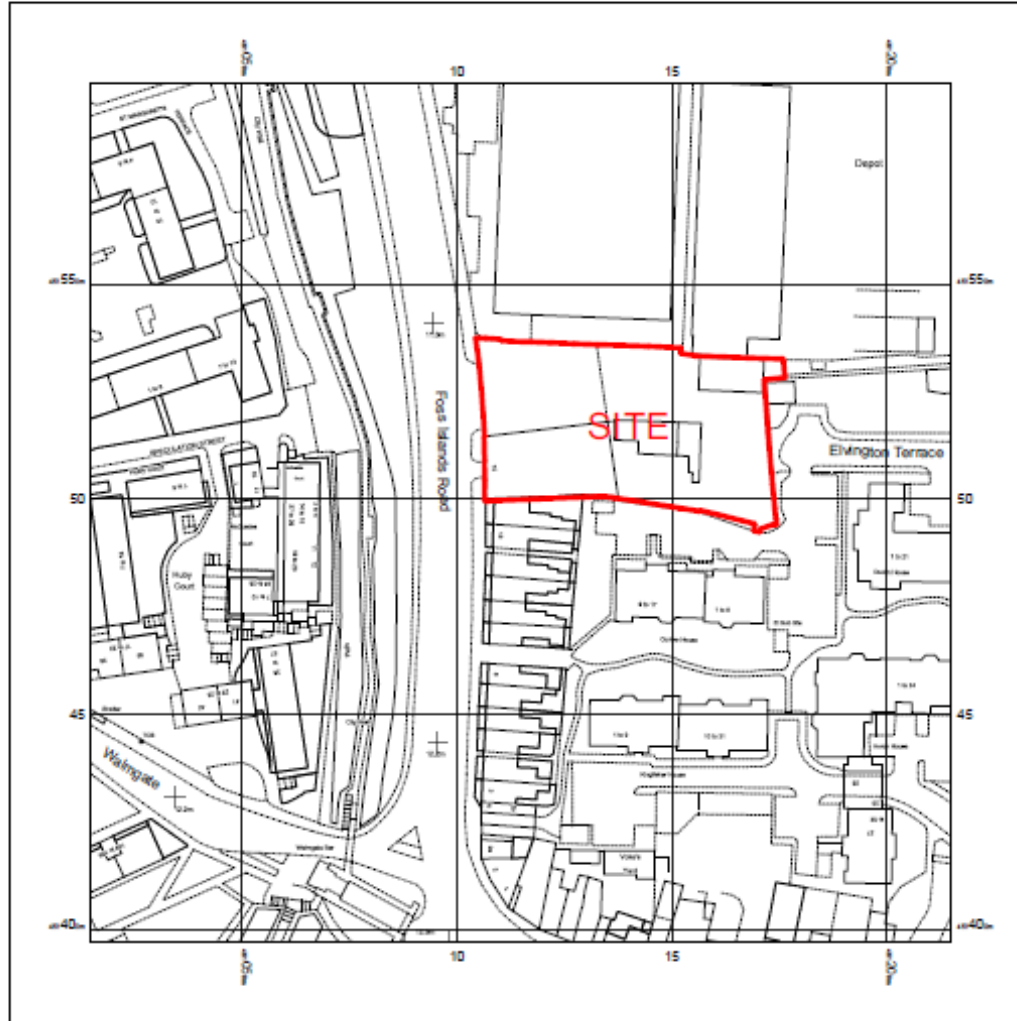
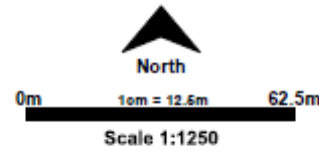
Planning Committee A

To be held on 7th March 2024

23/01647/FULM - Enterprise Rent-a-car, 15 Foss Islands Road, York

Erection of 3, 4, and 5 storey student accommodation building with associated car parking and access following demolition of existing buildings

Site Location Plan



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Existing Buildings



Streetscene – Long Views



Page 117

Views from City Walls









Streetview Image – Relationship between Curlew House (L) and Application site (R)

← York, England

Foss Islands Road
Foss Islands Rd, York
53.96°N, 1.07°W





Neighbouring Building – Dunlin House



Neighbouring Building – Curlew House

Proposed Site Layout Plan



GA-Site-Ground Floor Plan
Scale - 1:200

21-1200-1101



City of York Council Planning Committee Meeting - 7th March 2024

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 1. See Specifications.

Proposed Ground Floor



GA-Bldg1-Plan (Ground Floor)
Scale - 1:100

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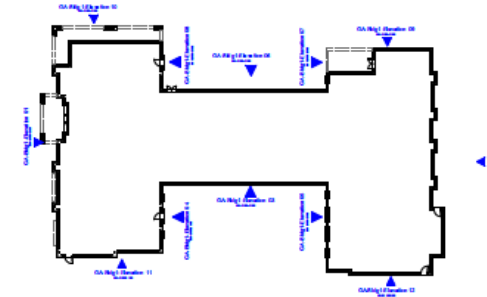
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Proposed Elevation 01 (Front)



Proposed Elevation 02 (Rear)



Proposed Elevation (North – Side)



Scale - 1:100 GA-Site-Elevation 04 (North) ID - 21-1200-3104



Scale - 1:250 Massing Model-Context-Elevation 04 (North) ID - 23-1100-3104



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Proposed Elevations (South – Side)



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 No.18 Foss Islands Road, York YO23 1WH | 01904 641289
 1. The architect's name and contact details
 2. The name of the client
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Proposed Exterior Materials



Roof 1:
Slate
Blue-grey slate
or similar



Wall 1:
Clay Facing Brick
Brown-multi stock
e.g. Ibstock Crowborough Multicoloured
or similar



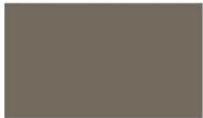
Wall 2:
Clay Facing Brick
Buff-multi stock
e.g. Weinerberger Hathersage Blend
or similar



Wall 3/Roof 3:
Metal Cladding
Brown/Light Bronze colour standing-
seam sheet metal cladding



Windows/Doors and
Ancillaries 1:
Paint/PPC:
Dark Grey colour



Windows/Doors and
Ancillaries 2:
Paint/PPC:
Brown/Light bronze colour



Roof 2:
Single Ply Membrane:
Single-ply Membrane
e.g. Sika Samafil Lead Grey or similar



Scale - 1:35 Materials-Bldg1-Elevation 01 ID - 22-1301-3101



Scale - 1:35 Materials-Bldg1-Elevation 01 ID - 22-1301-3101

COMMITTEE REPORT

Date: 7 March 2024 **Ward:** Acomb
Team: West Area **Parish:** Nether Poppleton Parish Council

Reference: 23/02302/FUL
Application at: British Sugar Corporation Ltd Plantation Drive York
For: Variation of conditions of permitted application 15/00524/OUTM to alter green infrastructure, increase building heights, updates to detailed configuration of proposed Main Street access road, alterations to the drainage strategy and updates to approved illustrative phasing plan
By: British Sugar
Application Type: Full Application
Target Date: 4 April 2024
Recommendation: Approve subject to completion of s106 agreement

1.0 PROPOSALApplication site and site history

1.1 The application concerns the former British Sugar site and land which was part of the Manor School site, the latter being required to provide access into the site via Boroughbridge Road. The permission it is proposed to vary is an outline permission for up to 1,100 dwellings, associated uses and full details of the access with all other matters reserved. The full details of the access included a main street through the site with access points from Boroughbridge Road and Millfield Lane. The scheme illustrated an access from Plantation Drive for pedestrians, cycles and emergency access only.

1.2 The outline application contained a set of parameter plans which were approved and detailed drawings of the access points and spine road winding through the site.

1.3 The other two applications of relevance are full planning permission for the site remediation and re-profiling works, to form a development platform (20/00774/FULM, and 20/00869/FUL) and a standalone full planning permission for

the new access road through the former Manor School (17/01072/FUL). These permissions have been implemented and therefore remain extant.

Proposals

1.4 This application has been made to update the phasing plan, so phase 1 is infrastructure only (access road and public open space). It also proposes to vary the parameter plans and the details of the spine road / main street. The ground levels are updated to suit the previously amended full planning application. The variations are described below.

Parameter plans

- Building heights – the parameter plan previously approved had predominantly 2-storey buildings. Proposals were for up to 2.5 storey along the main street and around the rectangular areas of green infrastructure. The central area of housing (opposite the community hub) were permitted as up to 3-storey. The amendment proposes up to 3-storey rather than 2.5 storey along the main street and around the green infrastructure. Since submission the plan has been amended and 3-storey is not proposed at the site frontage along Millfield Lane.
- Green Infrastructure – the plan has been varied because it is now proposed to relocate Carr Drain in the southeastern corner of the site. The drainage strategy is showing a larger attenuation area (which will be ponds and swale). The plan shows potential for an area in the central part of the site (opposite the community hub) to be developed, subject to being able to address any noise issues arising from the neighbouring factory. The green corridors are now more linear and there has been adjustment to the areas of the pocket parks and green squares. The amount of green infrastructure overall does increase by 0.1ha.
- Access and movement – plan adjusted to accommodate the amendments listed above.

Main Street

- The changes are to update the detailed highway design, so more aligned with current standards, including for pedestrian and cycle infrastructure. The phasing of the main road, its alignment through the site, and the access points are unchanged.

Environmental Impact

1.5 The outline application was subject to an Environmental Impact Assessment. This application includes an Environmental Statement as an addendum, which has been consulted on accordingly.

2.0 POLICY CONTEXT

2.1 The application is to vary conditions of the extant outline planning permission only. Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. Although it is colloquially known as 'varying' or 'amending' conditions, permission granted under s73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. The national planning practice guidance explains that there is no statutory limit on the degree of change permissible to conditions under the s73 process, but the change must only relate to conditions and not to the operative part of the permission. The Town and Country Planning Act states that when assessing such an application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.

2.2 The key policies related to the amendments proposed to the parameter plans and the main street are as follows –

National Planning Policy Framework

- 9. Promoting sustainable transport
- 11. Making effective use of land 36
- 12. Achieving well-designed and beautiful places

Draft Local Plan 2018

2.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. A further round of hearings are scheduled for 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4 Key relevant policies of the 2018 Draft Plan are as follows -

- SS1 Delivering Sustainable Growth for York
- SS6 British Sugar/Manor School

D1 Placemaking

D2 Landscape and setting

3.0 CONSULTATIONS

Internal

Ecology

3.1 No objection. The relevant ecological surveys and assessment have been updated in line with current policies and guidance. Ecological mitigation requirements have been updated, based on the findings of both initial and recent survey work.

Flood Risk Management Team

3.2 Officers advise that the scheme indicates a change in drainage strategy for the site. as part of the original outline the attenuation features included underground tanks and associated pipework. The above ground attenuation (ponds and swales which are sustainable drainage features and advocated by policy) had sufficient space around to enable the council to maintain. The updated scheme has larger areas of above ground attenuation. The Council would be unwilling to adopt these areas due to issues around maintenance. The submission evidences that third parties (through the New Appointment and Variation (NAV) process) would be willing to adopt and therefore this recommended as a way forward.

Highway Network Management

3.3 Officers have provided feedback on the plans for main street and subsequently amendments were submitted, regarding pedestrian and cyclist priority at junctions, dimensions of on-street parking spaces to accommodate disabled sized spaces and provision for servicing vehicles and buses.

Public Protection

3.4 Officers have commented in terms of land contamination; there are no objections in respect of the remediation strategy and proposed ground levels.

External

Ainsty Internal Drainage Board

3.5 The board have commented on the proposed diversion of Carr Drain. They will not be responsible for maintenance, but it is a vital watercourse and they re-iterate a requirement that the easement is sufficient and a 9m access trip is provided to each side. This easement was secured as part of the approved scheme and would be again in this submission. As per the boards' recommendation, the specific distance is now annotated on the parameter plan; it would also be an informative on the decision notice.

National Grid

3.6 No objection.

Natural England

3.7 No comment. Refers to its standing advice.

Nether Poppleton Parish Council

3.8 Support the application given local housing need. It was noted that the scheme has been revised and 3-storey buildings are no longer proposed opposite Villa Court.

Yorkshire Water

3.9 Comment as follows in respect of potential impact on existing infrastructure - The proposed street alignment at the entrances to site has the potential to affect Yorkshire Water existing mains located within Low Poppleton Lane and Boroughbridge Road (A59) and Millfield Lane. These mains (if affected) will require diversion at the developers' expense based on the submitted plans. The plans for the Millfield Lane site entrance also show trees in close proximity to Yorkshire Water existing main at this location, this is not acceptable. There is to be no planting of trees or deep-rooted shrubs within 3m of existing apparatus. Officer note – an informative is proposed regarding Yorkshire Water, as per the extant permission.

4.0 REPRESENTATIONS

4.1 Twelve representations received. Comments as follows -

- Cllr Hook - support the development which will provide much needed housing. Consideration should be given however to the potential increased volume of Application Reference Number: 23/02302/FUL Item No: 4c

traffic on Millfield Lane at a time when traffic on the A1237 will be increasing because of the dualling beyond the A19.

- Valeo confectionery (neighbouring factory) – the scheme involves an acoustic barrier around the factory. Query raised whether taller houses (3-storey rather than 2.5 storey) along the main street and looking toward the factory would lead to noise complaints.
- Reduced green infrastructure and increased building heights not acceptable. Buildings too tall near surrounding houses.
- Loss of bund behind Langholme Drive and associated planting objected to.
- Difficult to interpret change in grounds levels.
- Increase in traffic and main street will be used to access the outer ring road. Suggest a bus gate is introduced on the main street. Having the main street as a through route defeats the object of the bus gate on Millfield Lane, despite its alignment being intended to deter it being used as an access to the outer ring road rather than the A59.

5.0 APPRAISAL

Key Issues

5.1 Given that an application under s.73 seeks to amend an approved scheme, the development itself will have been judged to be acceptable in principle at an earlier date. The assessment of the current application therefore is limited to the changes proposed to the approved outline permission, applying current policy and any other material considerations. As set out in the Town and Country Planning Act Section 73 when assessing such an application, the Local Planning Authority may consider only the question of the conditions subject to which planning permission should be granted. It is not within the scope of this application to consider the principle of development, or elements of the scheme it is not proposed to vary. It is outside the scope of this application to consider the impact on the wider highway network or the principle of the access points and alignment of the main street, as such matters are unaffected by the proposed amendments.

5.2 The key issues are therefore as follows –

- Changes to the proposed phasing plan
- Changes to the parameter plans
- Changes to the design of the spine road / main street

- Drainage

Assessment

Changes to the proposed phasing plan

5.3 There is no change proposed to the phasing in terms of the phased delivery of the main street and the education / community uses. In terms of the housing, it is still the intent to develop the southern side of the site first followed by the northern half.

5.4 The amendment sought is for phase 1 to be the first section of the access road and green infrastructure (including the strategic drainage). The first phase of housing would then follow. This is a subtle change to separate the infrastructure delivery from the housing. It is practical from the developers' perspective and would not delay housing delivery as site remediation is required before houses can be built. The phasing has always been illustrative and consequently subject to change. This variation has officer support.

Changes to the parameter plans

Building heights

5.5 The approved scheme was for buildings between 2 and 3 storey. Taller 2.5 and 3 storey being proposed to address the main street, green corridors and squares, to provide a hierarchy within the scheme and develop sense of place. This hierarchy is not altered in this amendment. Where increased heights are proposed they are within parts of the site where there would not be an effect on existing residents and nor would there be a perceived variation in how the site is experienced in its wider setting. Initially an uplift to 3-storey was proposed on a section of Millfield Lane, opposite housing at Villa Court. This has been omitted from the scheme and now the parameter plans revert to the approved arrangement in this area. The NPPF has a section on making effective use of land, the uplift in building heights is consistent with this national policy. The design principles are consistent with the National Design Guide in respect of identity and built form, associated with place-making, and the resulting built form would not be harmful to the prevalent character of the area.

Green Infrastructure

5.6 The amount of green infrastructure overall increases by 0.10ha. The variations are considered primarily against NPPF advice on achieving well-designed and beautiful places and the supplementary national guidance within the National Design Guide. In this respect regard needs to be paid to whether the landscaping would be appropriate and effective (NPPF 135b), considering the National Design Guide; this would include consideration of matters such as siting, accessibility, consideration of safety and security, involving provision of natural surveillance and function. Further to the latter the design guide advocates a hierarchy of public spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks.

5.7 The changes to the green infrastructure are not objected to applying the aforementioned policy. The accessibility and natural surveillance of the green spaces would not be unduly affected by virtue of the design parameters and the location of green spaces, and the scheme continue to provide a reasonable typology and size of green spaces.

5.8 The parameter plans have varied because it is now proposed to relocate Carr Drain in the southeastern corner of the site. Consequently, the green infrastructure within the drainage easement is at the periphery of the site, rather than there being a development parcel (of housing) at the boundary (and neighbouring adjoining industrial uses). The green infrastructure previously had access roads passing over it, this is no longer the case. This variation is not regarded to have a material effect on the proposed layout, access to open space, or any surrounding occupants.

5.9 The plans show potential for an area in the central part of the site (opposite the community hub) to be developed, subject to any noise issues arising from the neighbouring factory. The area was previously shown as open space. Across the site, the amount of Green Infrastructure will be increased and in place-making terms it is regarded appropriate for an active frontage (which can contribute to traffic calming) along this section of the main street opposite the community hub area, which will also accommodate educational buildings.

5.10 The green corridors are now more linear, with a regular width of 7m, and there has been adjustment to the areas of the pocket parks and green squares. The more linear alignment of the corridors means the large green spaces which they lead to will be more prominent in terminating views beyond the corridors. The design parameters document explains the intention is for cycle and pedestrian routes and /

or low traffic routes (tertiary streets) fronting on the spaces. Again, given the amount of green infrastructure overall does increase by 0.1ha, the variation to the green corridors is acceptable.

Changes to the design of the spine road / main street

5.11 The principles of the main street design and its alignment are unchanged. The variations are to ensure servicing vehicles can navigate the main street (at a maximum speed of 20 mph) and the pedestrian and cycle infrastructure has been upgraded to meet current advice in LTN 1/20. The shared pedestrian and cycle paths are slightly wider (now 3.5m) and take priority at junctions. The changes have been developed in conjunction with the Council's highways officers. The changes are supported as they follow NPPF advice to promote sustainable travel and give priority first to pedestrian and cycle movements as required under paragraphs 114 and 116.

Drainage

5.12 The drainage strategy is showing a larger attenuation area (which will be ponds and swale). The drainage strategy has been revised to include a larger allowance for climate change (current local policy is 30% and it was previously 20%) and the now proposed solution avoids the need for a pumping station within the scheme. The variation has a subtle effect, increasing the amount of green infrastructure on the north-eastern side of the site. In respect of the Flood Risk Management comments over future maintenance of the swales and ponds, the planning obligation, where it relates to future maintenance of public open space allows for a third party to have such responsibilities.

Ground levels

5.13 The application for housing (in outline) was supplemented by a separate full planning permission to re-profile the site and form a development platform. The current variation in ground levels, including the screening bunds, are a by-product of the former industrial use. This application proposes no variation in ground levels to those which already have full planning permission. The existing and proposed sections illustrate the minimum and maximum ground levels in each phase and how these relate to surrounding land uses. The proposals to include 3-storey housing are in locations which are over 50m from the site boundary and raise no amenity issues.

5.14 There is no material change to the scheme in terms of residential amenity and how the scheme would interface with surrounding housing. The associated design parameters and principles document, that will inform reserved matters applications, require that landscaping and tree planting be installed adjacent the boundary with Langholme Drive. In this respect the following text from the previous Committee report remains applicable “The proposed approach is for back-to-back gardens by Langholme Drive which follows good design guidance considering security and to provide active frontages with good surveillance over public realm. The scheme respects the existing context in that at the southern end of Langholme Drive, where there are not changes in ground levels, the existing trees will be retained. Officers have required that where the bund is, longer than average gardens and tree planting will be provided in this location”.

Public Sector Equality Duty

5.15 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 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.

5.16 The PSED does not specify a particular substantive outcome, but ensures that the decision made has been taken with "due regard" to its equality implications.

5.17 The Local Planning Authority has paid due regard to the Equality Act in arriving at its recommendation.

6.0 CONCLUSION

6.1 This application is made only to vary the existing outline planning consent to update the phasing plan, so phase 1 is infrastructure only (access road and public open space) and to vary the parameter plans and the details of the spine road / main street. No material changes to the planning obligations are proposed or necessary. Conditions are only updated to reference the revised drawings and documents and where details have been approved since the previous permission in

respect of protection for the Bee Bank nature conservation area (SINC) during construction.

6.2 The ecological appraisals regarding the site are up to date. There is no material change to the environmental effects associated with the scheme, which can be suitably addressed through planning conditions and there are no objection to the scheme amendments, which are justified and aligned with NPPF policies.

7.0 RECOMMENDATION: That delegated authority be given to the Head of Development Services to APPROVE the application subject to the completion of a Section 106 Agreement; to make that existing legal agreement applicable to this application, and for the Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement and the planning conditions.

The s73 permission will repeat the same conditions as attached to the original outline permission, the conditions are only varied to incorporate the revised plans and condition 12 to include the agreed bee bank SINC protection measures.

Conditions of approval

1 Reserved matters

Approval of the details of the access, layout, scale, design and external appearance of each phase of the development (as identified on the approved illustrative phasing plan) hereby permitted and the landscaping (excluding strategic green infrastructure – see condition 2) within the phase ('the reserved matters') shall be obtained in writing from the local planning authority before that development is commenced within that phase. The development shall be carried out in accordance with the approved details.

REASON: To comply with Article 5 of the Town and Country Planning (Development Management Procedure Order 2010).

2 Green infrastructure

Prior to, or at the same time as, the submission of the first reserved matters application, a Masterplan for the approved green infrastructure, identifying the distribution of green infrastructure typologies across the site, in accordance with the illustrative typologies as identified on the approved green infrastructure parameter plan 9108-LDA-XX-XX-DR-L-1151 revision 06, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Masterplan.

REASON: To ensure that there is adequate infrastructure to cater for the development, interests of the amenity of future occupants, good design and so that the impact on biodiversity (in particular the bee bank SINC) and the amenity of the surrounding area is as assessed within the application in accordance with paragraphs 58 and section 8 of the National Planning Policy Framework.

3 Drainage

Prior to, or at the same time as, the submission of the first reserved matters application, details of foul and surface water drainage, from the phase boundaries to the site outfall, 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.

Details must include:

- a) A plan detailing the phasing of the installation of the drainage scheme.
- b) Proposals for the inclusion of SuDS features in accordance with the SuDS Manual Version 5 including errata 2016 or any subsequent published evidence on the matter.
- c) Plans to demonstrate that there will be no surface run-off from the site in a 1:100 year storm (+ 30% allowance for climate change) and that run-off from the site will not have an adverse effect on existing properties.
- d) Cover and invert levels to Ordnance Datum of the drainage proposals for the new development.
- e) Computer modelling of the surface water attenuation to accommodate the 1:30 year storm and proposals to accommodate the flood volumes above the 1:30 year storm up to the 1:100 year + 20% climate change storm.
- f) The flow control chamber limiting the surface water to the 43.2 l/s/ha.
- g) The drainage discharge point.
- h) The assumptions and design limitations to be applied to the drainage design of each development plot.

REASON: To ensure proper drainage of the site and so that there is no increase in flood risk elsewhere, in accordance with paragraph 103 of the Framework.10

4 Biodiversity

A Biodiversity Management Plan (BMP) for each phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved BMP.

REASON: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the Framework.

5 RM applications

Application(s) for approval of the reserved matters for any development within the first phase to be bought forward ('the initial phase') of the development hereby permitted shall be made to the local planning authority before the expiration of 7 years from the date of permission ref 15/00524/OUTM (28th September 2025).

REASON: To allow for remediation of the site and associated monitoring and to comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

6 Commencement of development

The initial phase of the development hereby permitted shall be begun either before the expiration of 8 years from the date of permission 15/00524/OUTM (28th September 2026), or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of the development within that phase, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions and allowing for the remediation of the site under planning permission reference (14/02798/FULM).

7 Deadline for submission of RM

Application(s) for approval of the reserved matters in respect of the development within each phase other than the initial phase of the development hereby permitted shall be made to the local planning authority before the expiration of 15 years from the date of permission 15/00524/OUTM (28 September 2033).

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

8 Commencement of development

Each phase of the development hereby permitted shall be begun before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of the development within that phase.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

9 Details required

Plans and particulars submitted for any development pursuant to Condition 1 above shall include the following details:

- a) The layout, specification and construction programme for any internal access roads including details of horizontal and vertical alignment, footpaths, parking, turning and loading/unloading areas (including visibility splays), cycleways and parking areas, cycle storage facilities and access facilities for the disabled, individual accesses.
- b) The positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided.
- c) Details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials.
- d) Contours for all landscaping areas together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained (as informed by an arboricultural survey) and a written specification for the landscape works including a programme for implementation, cultivation and other operations associated with plant and grass establishment).
- e) Details of compliance with the principles set out in the Parameters and Design Principles Document design parameters plan as approved pursuant to Condition 10.
- f) Lighting to roads, footpaths and other public areas.

REASON: To accord with the principles of Section 7 of the Framework.

10 Approved plans and documents

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

- Parameters and Design Principles Addendum February 2024
- Outline Planning Application Boundary Plan L-1150
- Parameter Plan – Access and Movement L-1153 revision 05
- Parameter Plan – Green Infrastructure L-1151 revision 07
- Parameter Plan – Development Zones and Land Uses L-1154 revision 06
- Parameter Plan – Urban Framework and Building Heights L-1155 revision 07
- Illustrative Phasing Plan L-1165 revision 1.9
- Main Street Alignment drawings 0001 P07, 0002 P07, 0003 P07
- Main Street Cross Sections 0004 P05
- Main Street Alignment Forward Visibility Splays 0011 P07, 0012 P07, 0013 P07
- Main street soft landscaping 9108 – 001A, 002A, 003A

- Landscaping for bund around Tangerine - Bund soft landscaping design 9108 004 A
- Construction Environment Management Plan V1.2 (7.9.17)
- Arboricultural Method Statement - July 2023
- Tree Survey - July 2023
- Tree Constraints Plan - TCP01
- Tree Protection Plan - TPP01

- Proposed ground levels - BRS-AUK-XX-XX-DR-CE-100 P02
- Cross sections - DR-CE-0102 P0, DR-CE-0103 P0, DR-CE-0104 P0

11 Main street design

The following details relating to the Main Street shall be submitted to and approved in writing by the local planning authority prior to each phase of construction of the Main Street (as identified in Condition 17):

- a) the layout and specification for the road including details of surfacing materials, junctions (including visibility splays), crossing points, bus stops, street furniture, and lighting;
- b) details of the interim construction and specification of the Main Street surfacing to be incorporated during construction of the development hereby approved; and
- c) details of compliance (where applicable) with the principles set out in the Parameters and Design Principles Document as approved pursuant to Condition 10.

The development of the Main Street shall be carried out in accordance with the approved details.

REASON: To accord with the principles of Section 7 of the Framework.

12 Sinc protection

Development shall be carried out in accordance with the ARCADIS Biodiversity Management Plan 10024487-AUK-XX-XX-RP-YY-0001-01-BMP dated 28.1.2020 (approved under AOD/20/00028).

REASON: To allow for the protection of a designated SINC and to take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the Framework.

13 Archaeology

Ground works within the former Manor School site and the British Sugar car parking area (at the south east end of the site as annotated on Figure 7 in the Desktop Assessment by OSA, dated May 2007) shall adhere to the OSA Written Scheme of Investigation dated January 2020 (approved under AOD/20/00028).

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

14 Remediation

Prior to construction of dwellings / buildings hereby approved, the works outlined in the Remediation and Reclamation Strategy (dated February 2015) and the Remediation and Reclamation Strategy Addendum (April 2020), or such other Reclamation and Remediation Strategy as may be approved in writing by the Council), shall be completed and a Verification Report demonstrating their effectiveness shall be approved in writing by the local planning authority.

The report shall include:

- a) confirmation that the remedial target values have been met and that the site is suitable for residential use;
- b) the results of gas and groundwater monitoring carried out before, during and after the works (post-remediation monitoring should continue for 12 months or until the remedial target values have been achieved, whichever is longer);
- c) confirmation that the ground gas concentrations and flow and the risk based Gas Screening Values are at a level no greater than Amber 2 of the NHBC traffic light system, and; assessment in accordance with the NHBC methodology (NHBC (March 2007): Guidance on Evaluation of Development Proposals on Sites Where Methane and Carbon Dioxide are Present: Report Edition no. 4 or in accordance with any guidance published to supersede that guidance.

REASON: The works and approval of the Validation Report must take place prior to construction to ensure that risks from land contamination (including landfill gas) to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, in accordance with section 15 of the Framework.

15 Gas protection measures

Prior to commencement of construction of buildings in each phase, a detailed specification of the proposed gas protection measures in the relevant phase shall be submitted to and approved by the local planning authority in writing.

Prior to the occupation of each building in the phase, the building shall be the subject of its own verification report indicating compliance with the approved

specification of gas protection measures which shall be submitted to and approved in writing by the local planning authority.

REASON: The agreement of a detailed specification and indication of subsequent compliance must take place prior to construction to ensure that risks from landfill gas to the future users of the land and buildings are minimised in accordance with paragraphs 109, 120 and 121 of the Framework.

16 Utilities

Prior to construction of the Main Street and its associated landscaping (as shown on the approved plans), details of utilities to be installed within the Main Street shall be submitted to and approved in writing by the local planning authority. Where these utilities result in material amendments to the approved hard and soft landscaping as shown on the aforementioned approved plans, amended plans showing the revisions required to the hard and soft landscaping including a timetable for their implementation shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details and timetable.

REASON: In the interests of visual amenity, to ensure that utilities do not have a detrimental effect on the implementation or long term retention of trees as detailed in the approved drawings listed.

17 Main street

Main Street Phase 1 (as shown on the approved Illustrative Phasing Plan or any such illustrative phasing plan subsequently approved) shall be completed prior to the occupation of the first dwelling, Main Street Phase 2 (as shown on the approved Illustrative Phasing Plan or any such illustrative phasing plan subsequently approved) shall be completed prior to the occupation of the 300th dwelling.

REASON: In the interests of promoting sustainable travel and to allow the site to function, in accordance with sections 4: Promoting Sustainable Transport and 7: Requiring Good Design of the Framework.

18 Landscaping

The approved landscaping scheme shown on drawing 9108 004 – bund soft landscape design revision A shall be implemented before the end of the first planting season following approval of the Verification Report as required under condition 14 by the local planning authority. All planting within this area shall be installed in accordance with the planting schedule as shown on soft landscaping design drawing 9108 003 revision A.

REASON: In the interests of good design, visual amenity and residential amenity, in accordance with place-making design guidance within Building for Life 12 and design guidance within the National Planning Policy Framework and National Planning Policy Guidance regarding the retention and promotion of distinctive character. Also to mitigate against biodiversity lost due to removal of soft landscaping to allow the remediation.

19 Bat mitigation

The felling of trees identified in the Environmental Statement (Chapter 11 Figure 11.1 Phase 1 Habitat Plan (Target notes 5 and 6) and Figure 11.2 Bat Roost Potential Tree Plan) as having moderate to high potential to support roosting bats shall take place in accordance with the strategy in Arcadis report 10024487-AUK-XX-XX-RP-YY-3-P2-Bat Roost Assessment 15_00524_OUTM dated 28/8/2019 (approved under AOD/19/00337).

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

20 Demolition of the former Manor School buildings

Demolition of the former Manor School buildings shall take place in accordance with all ecological measures and details contained in the Bat Survey Report by MAB Ecology Ltd and dated August 2017.

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

21 Land contamination

Prior to soil material being imported onto site, a Soil Verification Report shall be submitted to and approved in writing by the local planning authority to identify that it is suitable for the use intended. Only soil material approved by the Soil Verification Report shall be imported onto the site and used for the approved intended use within the development hereby permitted.

REASON: To ensure that imported soil does not pose a risk to future users of the land and the wider environment in accordance with paragraphs 109, 120 and 121 of the Framework.

22 Unexpected contamination

In the event that contamination not previously identified in the approved Reclamation and Remediation Strategy of February 2015 and RRS Addendum 2020 or such other Reclamation and Remediation Strategy as may be approved in writing

by the Council is found at any time when carrying out the works identified in the approved Reclamation and Remediation Strategy, it shall be reported in writing on the day it is identified to the local planning authority and works shall be stopped until an investigation and risk assessment, and as may be necessary remediation works, have taken place. In this event, the details of an investigation and risk assessment shall be submitted to the local planning authority within 7 days for its written approval to include details of a timetable for the investigation and risk assessment. The investigation and risk assessment shall be carried out in accordance with the approved details and timetable. If further remediation work is identified as required, a further remediation scheme and verification report and timetable for the remediation scheme and verification report shall be submitted to and approved in writing by the local planning authority and the works undertaken in accordance with the approved further remediation scheme, verification report arrangements and timetable.

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

23 Replacement planting

If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement, is removed, uprooted or destroyed or dies, a replacement of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure that there is adequate green infrastructure for the development, interests of the amenity of future occupants, good design and so that the impact on biodiversity (in particular the bee bank SINC) and the amenity of the surrounding area is as assessed within the application in accordance with paragraphs 58 and section 8 of the Framework.

24 Drainage (for each development parcel)

Details of the foul and surface water drainage for each phase subsequent to Phase 1 (drainage for Phase 1 is set out in condition 3) shall be submitted to and approved in writing by the local planning authority, along with a timetable for its implementation, prior to the commencement of work on that phase. The drainage works for each phase shall be carried out in accordance with the approved details and implementation timetable.

Details for the each phase shall include:

- a) proposals for the inclusion of SuDS features in accordance with the SuDS Manual Version 5 including errata 2016 or any subsequent published evidence on the matter;
- b) cover and invert levels to Ordnance Datum of the drainage proposals for the new development;
- c) computer modelling of the surface water attenuation to accommodate the 1:30 year storm and details of the proposals to accommodate the flood volumes above the 1:30 year storm up to the 1:100 year + 20% climate change storm;
- d) the flow control chamber limiting the surface water to the 15 l/s/ha; and
- e) the drainage discharge point.

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

25 SuDS

Prior to the commencement of development the details of the swale and retention ponds shown on the approved green infrastructure parameter plan shall be submitted to and approved in writing by the local planning authority along with a timetable for their implementation. The development shall be carried out in accordance with the approved details and timetable.

REASON: In the interests of visual amenity and safety, in accordance with section 12 of the Framework.

26 Oil interceptor

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from any car parking areas which accommodate over 50 parking spaces, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

27 Pedestrian and cycle infrastructure

The pedestrian and cycle route (from Main Street to Plantation Drive, as shown on the approved access and movement parameter plan and from the site access to Plantation Drive) shall be completed and made available for use no later than the completion of house building within Phase 3 (as identified on the illustrative Phasing Plan) or within 3 years of the commencement of Phase 2 (whichever is the earlier).

REASON: In the interests of promoting sustainable travel and to allow the site to function, in accordance with Sections 4: Promoting Sustainable Transport and 7: Requiring Good Design of the Framework.

28 Noise levels

The residential accommodation shall be constructed so as to achieve noise levels of:

- 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs);
- 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs); and
- 50dB LAeq (16 hour) in rear gardens (07:00 to 23:00).

The internal noise levels shall be achieved with all windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the occupation of each dwelling.

REASON: To protect the amenity of residents, in accordance with paragraph 123 of the Framework.

29 Noise – plant and machinery at community hub

The combined rating level of any building service noise associated with plant or equipment installed at the community hub facilities shall not exceed 30dB(A), when measured at the boundary of the closest existing and proposed residential properties. Reserved matters details for any of the uses (pre-schools, primary school and community hall) hereby approved within the community hub area identified on the approved Development Zones and Land Uses Parameter Plan shall include a scheme for the prevention of noise pollution arising from the relevant approved use. The scheme shall ensure that residential accommodation would achieve noise levels of;

- 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs);
- 35 dB LAeq (16 hour) in all other habitable rooms during the day (07:00 - 23:00 hrs); and
- 50dB LAeq (16 hour) in rear gardens (07:00 to 23:00)

The internal noise levels shall be achieved with all windows shut and other means of acoustic ventilation provided.

The approved building /use shall be implemented in accordance with the approved scheme(s) and details, and prevention of noise pollution measures shall thereafter be retained for the purpose intended.

REASON: In the interests of residential amenity, in accordance with paragraph 17 of the Framework.

30 Lighting (outdoor sports pitches)

A Lighting Impact Assessment for any floodlighting associated with outdoor sports provision shall be approved in writing by the local planning authority prior to installation and the development shall be carried out in accordance with the approved details. The assessment shall include:

- a) description of the proposed lighting: number of lighting columns, their height, and proposed lighting units;
- b) drawings showing the luminance levels (to be on separate drawings);
- c) horizontal luminance levels (Eh), showing all buildings within 100 metres;
- d) vertical luminance levels (average at a distance of 1.5m from ground level), showing all buildings within 100 metres;
- e) specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution; and
- f) hours of operation.

REASON: In the interests of local and residential amenity, in accordance with paragraph 125 of the NPPF.

31 Maximum number of dwellings

The development hereby approved shall not exceed 1,100 dwellings.

REASON: To ensure that there is adequate infrastructure to cater for the development and so that the impact on amenity of the surrounding area and on the highway network is as assessed within the application.

32 Building heights

Building heights shall not exceed those shown on the approved Parameter Plan.

REASON: In the interests of visual and residential amenity and biodiversity.

33 Main street top surfacing

Prior to the commencement of the penultimate phase of development a timetable for the implementation of the final wearing course for the Main Street shall be submitted to and approved in writing by the local planning authority. The final wearing course for the Main Street shall be implemented in accordance with the approved timetable.

REASON: In the interests of allowing the site to function, in accordance with Section 4: Promoting Sustainable Development of the Framework.

8.0 INFORMATIVES:

1. Road Safety Audit (RSA): As part of the highways details a Stage 2 RSA will be expected for each phase of the detailed design of the Main Street. The timing of the Stage 3 RSA and the timeframe for that work will also be expected to form part of the highways reserved matters submissions. It is acknowledged that the approved plans may need to be adjusted following the RSA and adoption process.

2. Transport / Access: The means of securing restricted forward visibility along the Main Street, as shown on the approved DTA Main Street alignment drawings, will need to be detailed in each relevant reserved matters application so as to form part of the reserved matters being considered.

3. Carr Drain Easement: Attention is drawn to the Carr Drain Easement. The developer is advised that no building or other obstruction (including trees) should be located within the 19.5 metre wide culvert easement (9m to each side of the Carr Drain) at the south end of the site, as shown on the approved Green Infrastructure Parameter Plan 04036 Rev N. This excludes the construction of up to 3 no. access roads which are permitted to cross the culvert.

4. Internal Drainage Board: The consent of the Ainsty (2008) Internal Drainage Board will be required within the above-referenced easement. This applies to any crossing such as a road or service or development in this easement including, but not exclusively, fences or planting. This is required under the Land Drainage Act 1991 and also the Board's Byelaws. Further details can be found on the Board's website www.yorkconsort.gov.uk

5. Yorkshire Water: There are public sewers crossing the sites, with various easement requirements, as established by Yorkshire Water. The developer(s) should note these requirements and legislation within the Water Industry Act if there is intent to divert any sewers.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact the Developer Services Team (telephone 0345 120 84 82) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition (or as may be updated) as supplemented by Yorkshire Water's requirements.

6. Sport England: The details for the on-site sports provision, as shown on the Landscape Structure Plan 04040B1 (unless an alternative is approved), will be

expected to be constructed and drained in accordance with recommendations in Sport England guidance note - Natural Turf for Sport.

7. Environmental Permit: The northern half of the site was previously used as a landfill site associated with the sugar beet factory. The landfill site is subject to an Environmental Permit (issued and regulated by the Environment Agency) which has not yet been surrendered. The Environment Agency will only surrender the permit once it is satisfied that the site has been cleaned up to an appropriate standard. It is recommended that construction is not commenced until the permit has been surrendered.

8. Rail Halt: The developer(s) are reminded that it is a Council aspiration for a rail halt to be developed at the north end of the site. The development should not prejudice this future provision. If this scheme were to be realised, land at the north end of the site (currently shown as Green Infrastructure) would likely be required for access to the rail halt.

9. National Grid: The developer's attention is drawn to the presence of National Grid assets (over-ground and underground) as specified in the consultation response dated 7 Jan 2015. National Grid should be consulted prior to any development / construction on site in this respect, to understand requirements including any required separation distances.

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

Email: assetprotectionlne@networkrail.co.uk

The following measures should be adhered to during construction -

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

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

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

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

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

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

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

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

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (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 in respect of visual impact, health and well-being and green infrastructure and through the use of planning conditions and informatives.

Contact details:

Application Reference Number: 23/02302/FUL

Item No: 4c

Case Officer: Jonathan Kenyon
Tel No: 01904 551323

23/02302/FUL

British Sugar Corporation Ltd, Plantation Drive, York



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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	22 February 2024
SLA Number	Not Set

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Planning Committee A

To be held on 7th March 2024

23/02302/FUL - British Sugar Corporation Ltd, Plantation Drive, York

Variation of conditions of permitted application 15/00524/OUTM to alter green infrastructure, increase building heights, updates to detailed configuration of proposed Main Street access road, alterations to the drainage strategy and updates to approved illustrative phasing plan

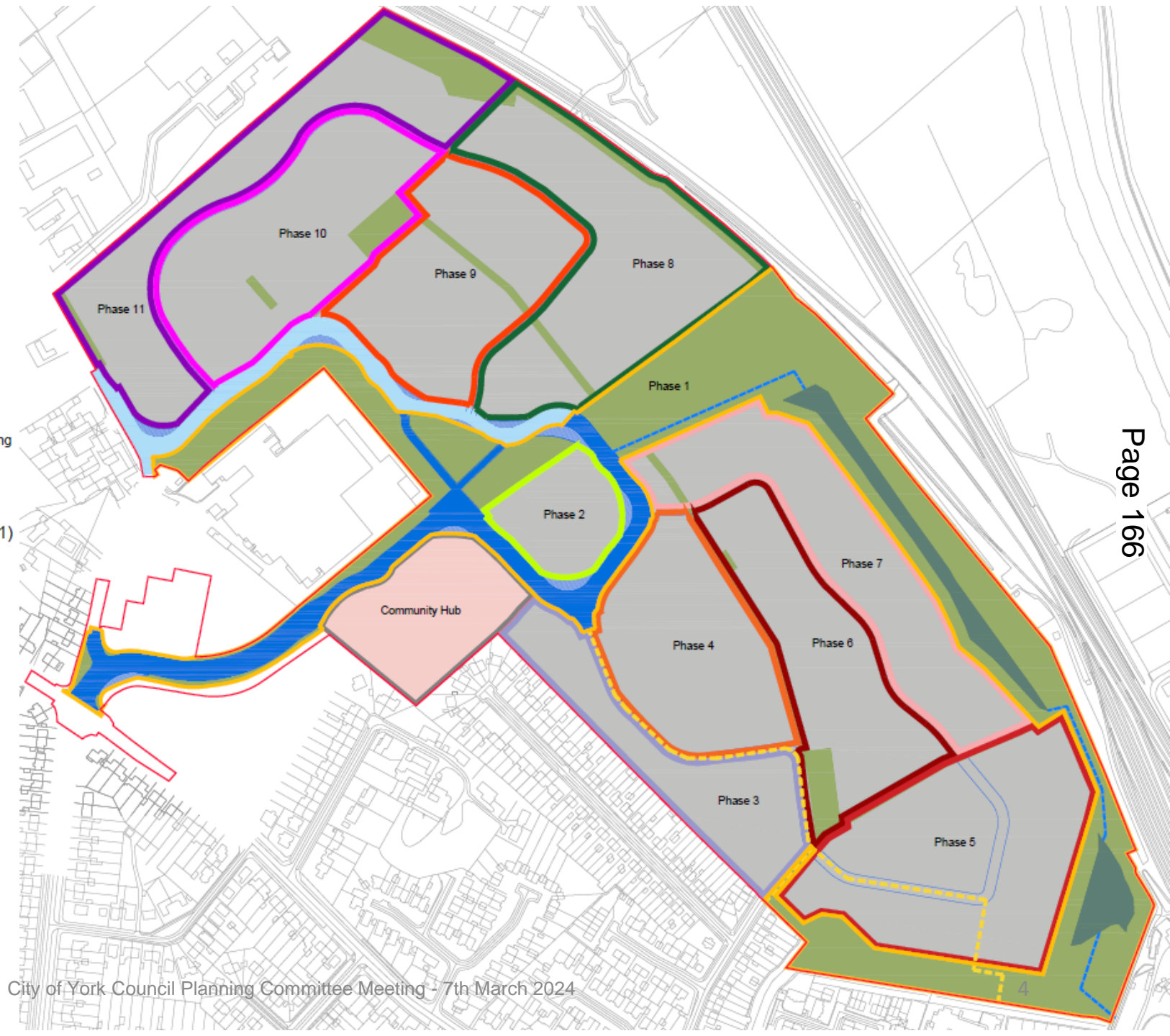
Indicative Phasing Plan (Extract)

LEGEND

-  Site Boundary
-  Residential uses
-  Green Infrastructure
-  Community Hub (1.53ha)
-  Proposed Secondary Routes
-  Infrastructure: Storm Drain












-  Main Street Phase 1
-  Main Street Phase 2
Prior to the occupation of the 300th dwelling

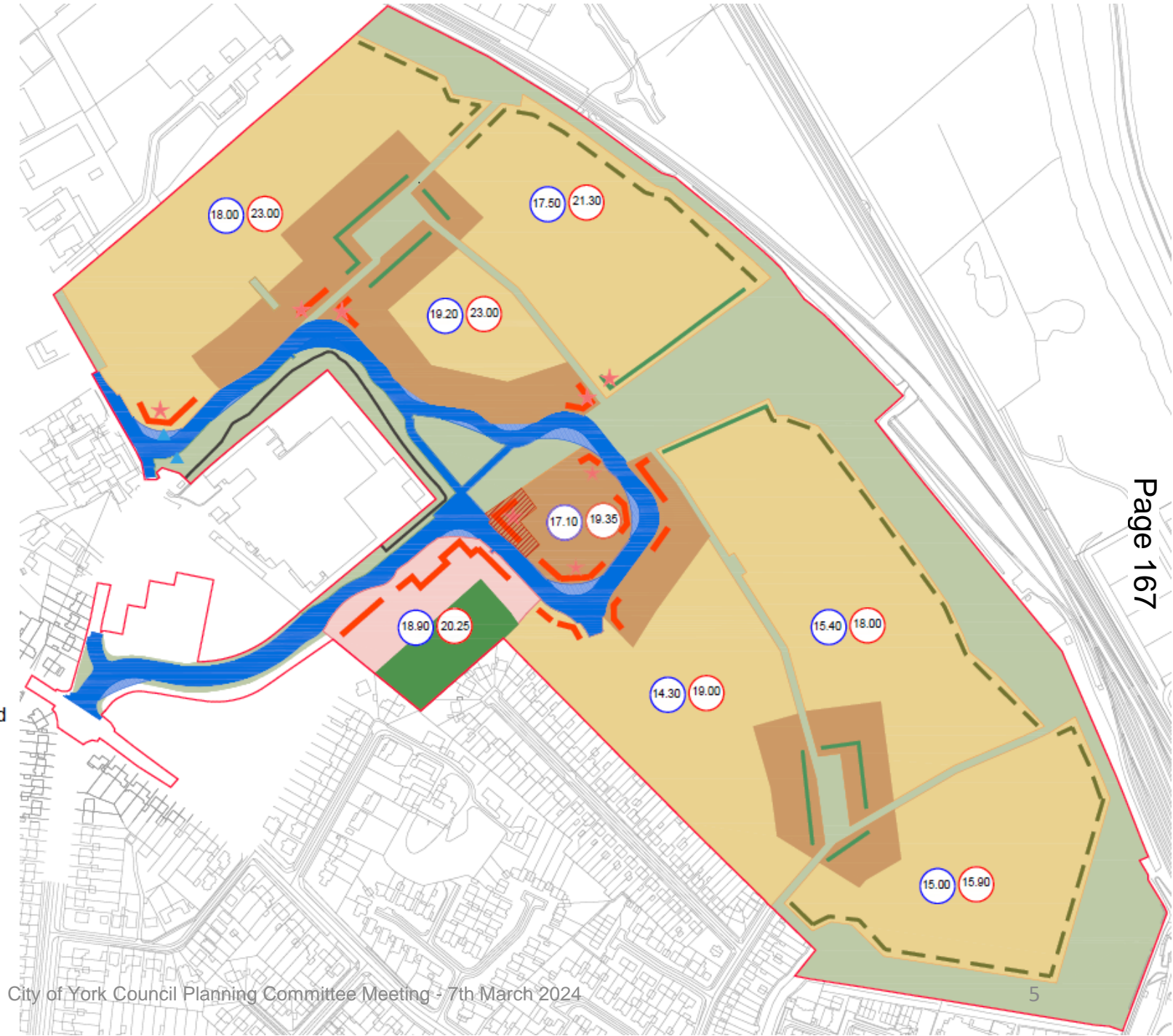
-  Phase 1
-  Infrastructure: Foul Drain (Phase1)
-  Phase 2
-  Phase 3
-  Phase 4
-  Phase 5
-  Phase 6
-  Phase 7
-  Phase 8
-  Phase 9
-  Phase 10
-  Phase 11



Parameter Plans Building Heights (Extract)

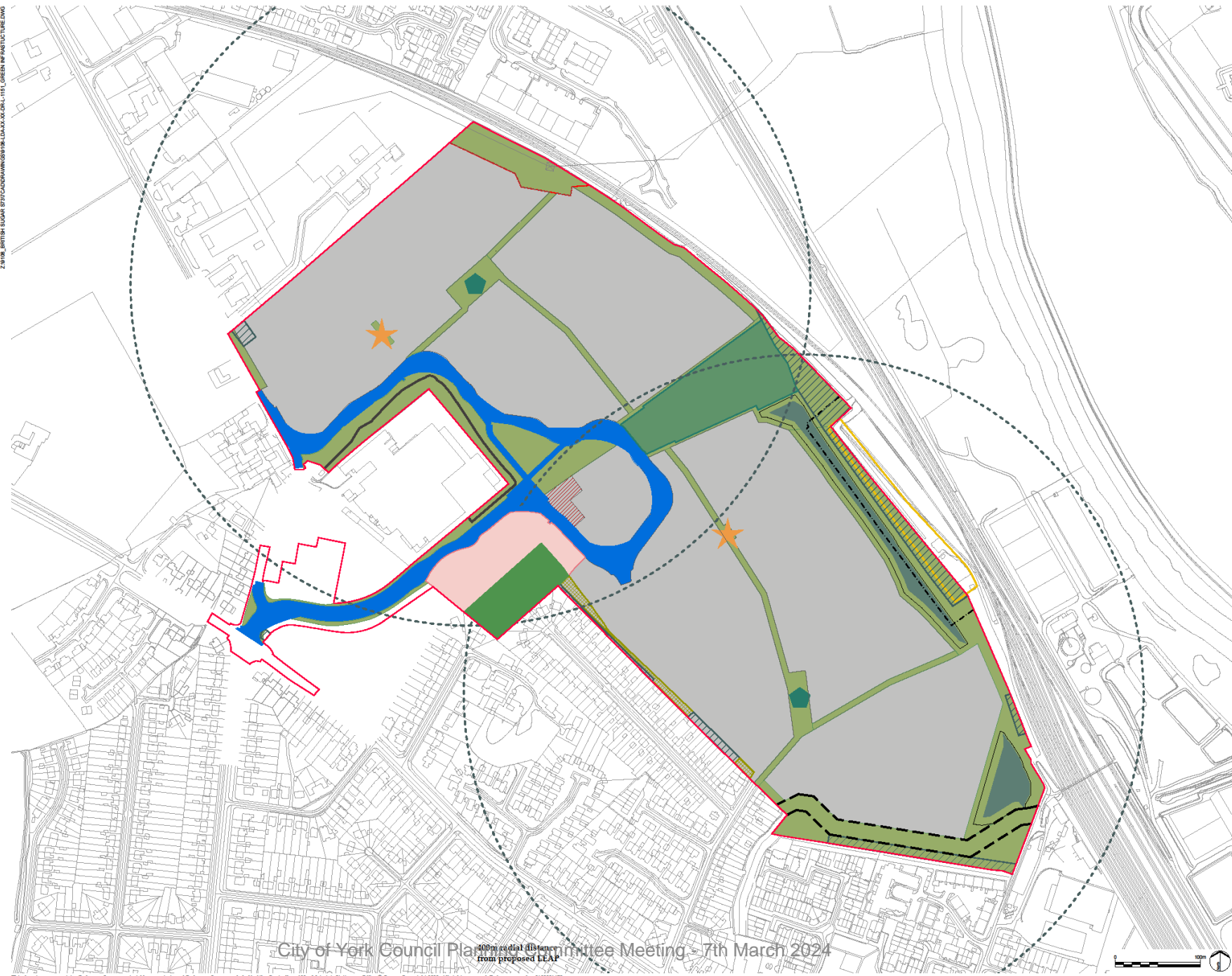
LEGEND

-  Application site boundary
-  Primary Frontage
-  Houses overlooking formal green space
-  Houses overlooking natural green space
-  Acoustic barrier
-  Minimum floor level (AOD tolerance of +/- 0.5m)
-  Maximum floor level (AOD tolerance of +/- 0.5m)
-  Predominantly 2 storey
-  Focus for 3 storey
-  Green Infrastructure
-  Community Area
-  Corner Articulation
-  Entrance Feature
-  Zone to be confirmed by acoustic modelling at detailed design stage to check compliance with Planning consent conditions
-  Primary access
-  Visibility splays area



Parameter Plan – Green Infrastructure (Whole Plan)

Z:\108_1071181_SUGAR_SFT\CAD\DWG\108_LDA_XX_DR_L-115_GREEN_INFRASTRUCTURE.DWG



- LEGEND**
- Application site boundary
 - Green infrastructure (approximately 0.19 Ha, excluding 0.00 Ha of open space within community area).
 - All areas below indicative:**
 - Parks & gardens as key central space: 0.88 Ha
 - Natural & semi-natural green space along the development boundary: 2.97 Ha
 - Amenity greenspace through and linking development areas: 2.15 Ha. Green corridors to be a minimum of 7 metres wide.
 - Provision for children's play – equipped play areas and areas for natural play: 1.41 Ha
 - allotments: 0.40 Ha
 - Outdoor sports: 1.40 Ha
 - Outdoor sports area
 - Local Equipped Area for Play (LEAP)
 - 400m radial distances from areas of play
 - ★ Pocket park location
 - Attenuation area
 - Residential uses
 - Zone to be confirmed by acoustic modelling at detailed design stage to check compliance with Planning consent conditions
 - Community Area (1 0.6ha of open space)
 - Primary access
 - Visibility splay art
 - Bee Bank SINC
 - 20m no build buffer from bee bank
 - Areas of Retained (based on Survey)
 - Proposed tree planting (exact layout subject to detailed review)
 - Acoustic barrier
 - Overhead electricity cable easement (25m)
 - Culvert easement (19.5m)

Note:
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REV	DESCRIPTION	APP. DATE
07	Amends to developable area and GI, JHe	16.02.24
06	For Planning	HHa 20.11.23
05	Minor amends to key and road layout	HHa 04.10.23
04	Updated Primary access layout	KRa 05.09.23
03	Updated GI strategy	HHa 30.08.23
02	Updated main road alignment and hatched development zone included	MfO 15.06.23

LDADDESIGN

PROJECT TITLE
British Sugar Site and Former Manor School Link Road Site, York

DRAWING TITLE
Parameter Plan:
Green Infrastructure

ISSUED BY	DATE	SCALE	STATUS	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
Breal	07/06/2023	1:250	Planning	JHe	JHe	JHe	MfO

DWG. NO 9108-LDA-XX-XX-DR-L-1151

No dimensions are to be scaled from this drawing.
Area measurements for indicative purposes only.

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Source: Ordnance Survey



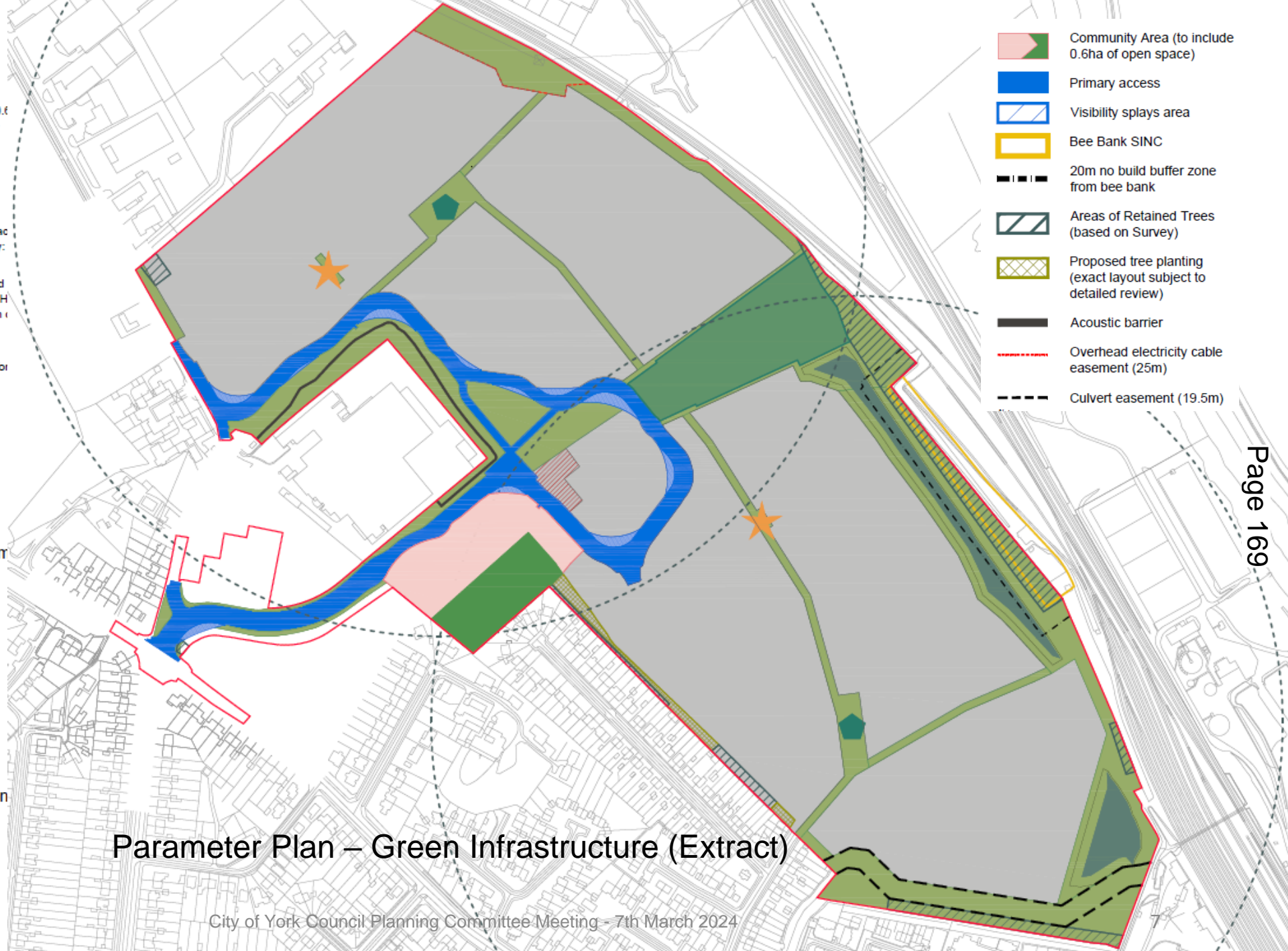
City of York Council Planning Committee Meeting – 7th March 2024

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LEGEND

-  Application site boundary
-  Green infrastructure
(approximately 9.19 Ha, excluding 0.6 Ha of open space within community area).
- All areas below indicative:**
 - Parks & gardens as key central space: 0.86 Ha
 - Natural & semi-natural green space along the development boundary: 2.97 Ha
 - Amenity greenspace through and linking development areas: 2.15 Ha
Green corridors to be a minimum of 7 metres wide.
 - Provision for children's play - equipped play areas and areas for natural play: 1.41 Ha
 - Allotments: 0.40 Ha
 - Outdoor sports: 1.40 Ha
-  Outdoor sports area
-  Local Equipped Area for Play (LEAP)
-  400m radial distances from areas of play
-  Pocket park location
-  Attenuation area
-  Residential uses
-  Zone to be confirmed by acoustic modelling at detailed design stage to check compliance with Planning consent condition

-  Community Area (to include 0.6ha of open space)
-  Primary access
-  Visibility splays area
-  Bee Bank SINC
-  20m no build buffer zone from bee bank
-  Areas of Retained Trees (based on Survey)
-  Proposed tree planting (exact layout subject to detailed review)
-  Acoustic barrier
-  Overhead electricity cable easement (25m)
-  Culvert easement (19.5m)

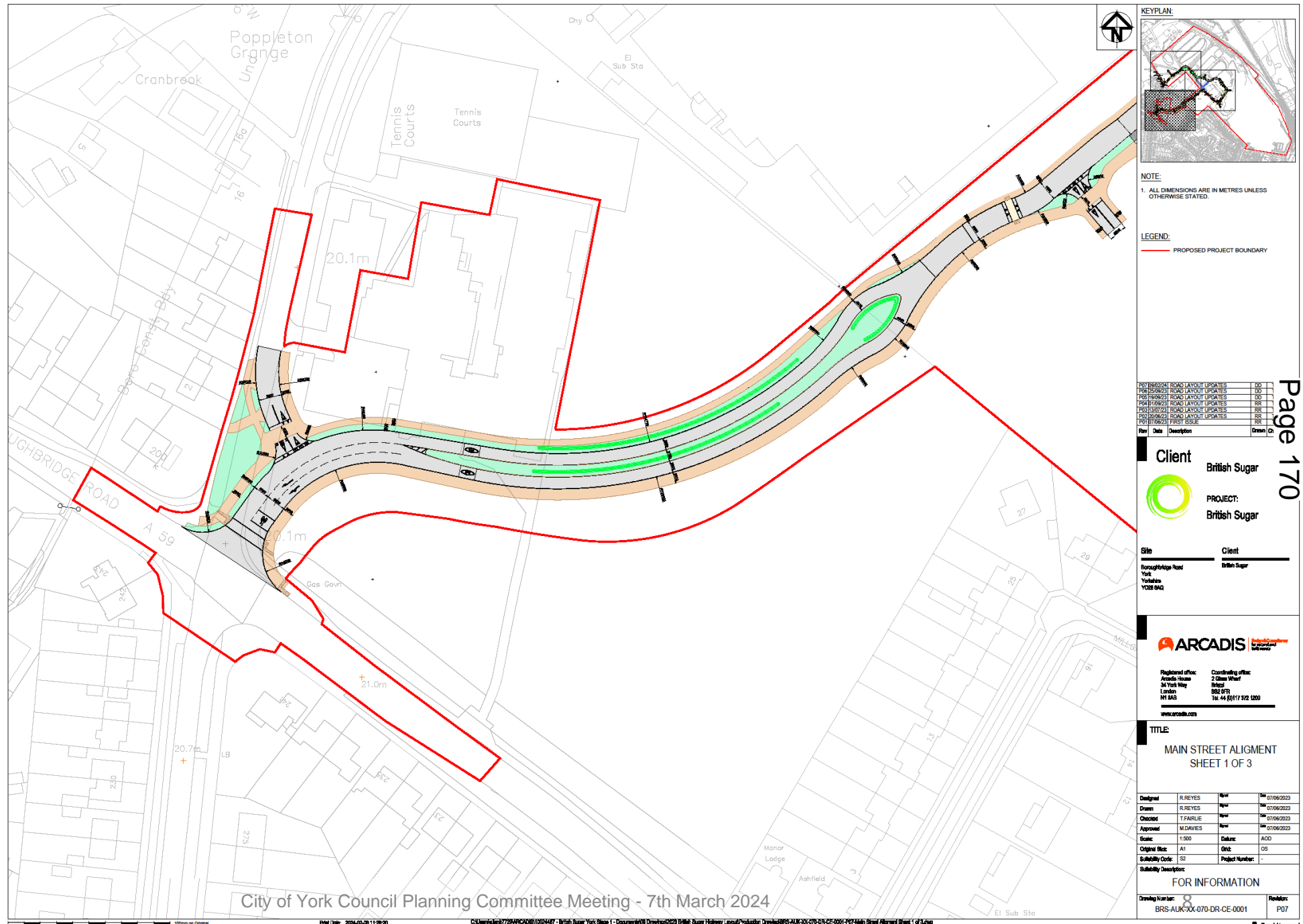


Parameter Plan – Green Infrastructure (Extract)

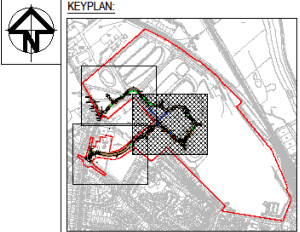
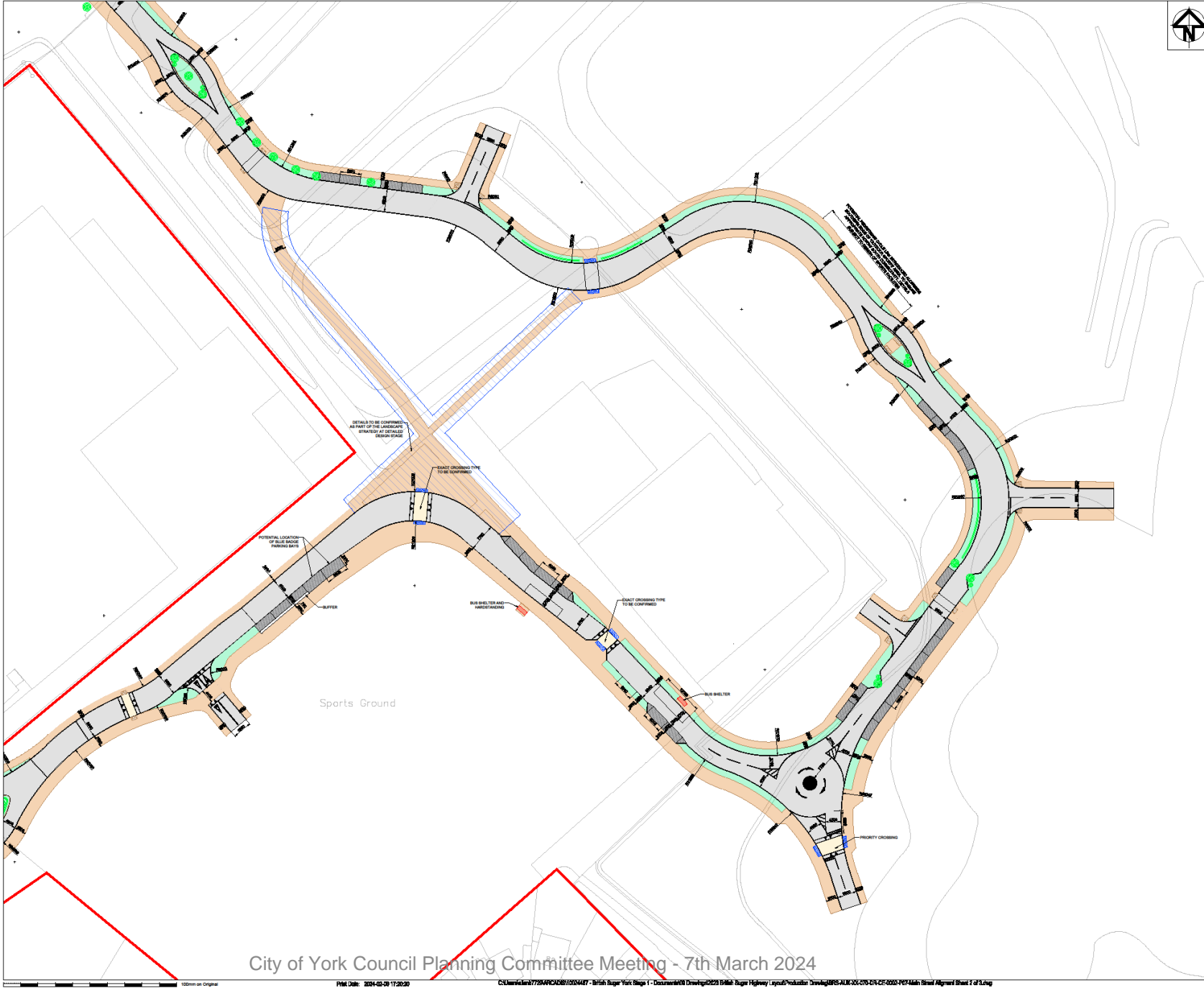
City of York Council Planning Committee Meeting – 7th March 2024



Main Street Alignment – Sheet 1 of 3



Main Street Alignment – Sheet 2 of 3



NOTE:
1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.

LEGEND:
— PROPOSED PROJECT BOUNDARY

Rev	Date	Description	Drawn	ID
PO7	06/02/23	ROAD LAYOUT UPDATES	DO	TF MD
PO8	25/06/23	ROAD LAYOUT UPDATES	DO	TF MD
PO9	19/06/23	ROAD LAYOUT UPDATES	DO	TF MD
PO10	19/06/23	ROAD LAYOUT UPDATES	RR	TF MD
PO11	19/06/23	ROAD LAYOUT UPDATES	RR	TF MD
PO12	06/06/23	ROAD LAYOUT UPDATES	RR	TF MD
PO13	06/06/23	ROAD LAYOUT UPDATES	RR	TF MD
PO14	06/06/23	ROAD LAYOUT UPDATES	RR	TF MD

Client
British Sugar

PROJECT:
British Sugar

Site
Brough/A16 Road
York
YO8 1BA
YORK SAO

Client
British Sugar

ARCADIS Infrastructure

Registered office:
Arcadis House
34 York Way
London
N1 9AB

Coordinating office:
2 Glass Wharf
Bishop
882 070
London
E1 1JL

www.arcadis.com

TITLE
MAIN STREET ALIGNMENT
SHEET 2 OF 3

Designer	R.REYES	Rev	01/06/2023
Drawn	R.REYES	Rev	01/06/2023
Checked	T.FAIRLIE	Rev	01/06/2023
Approved	M.DAVIES	Rev	01/06/2023
Scale:	1:200	Colour:	ACD
Original Size:	A1	Out:	OS
Subsidiary Code:	S2	Project Number:	-
Subsidiary Description:			

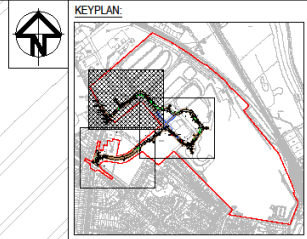
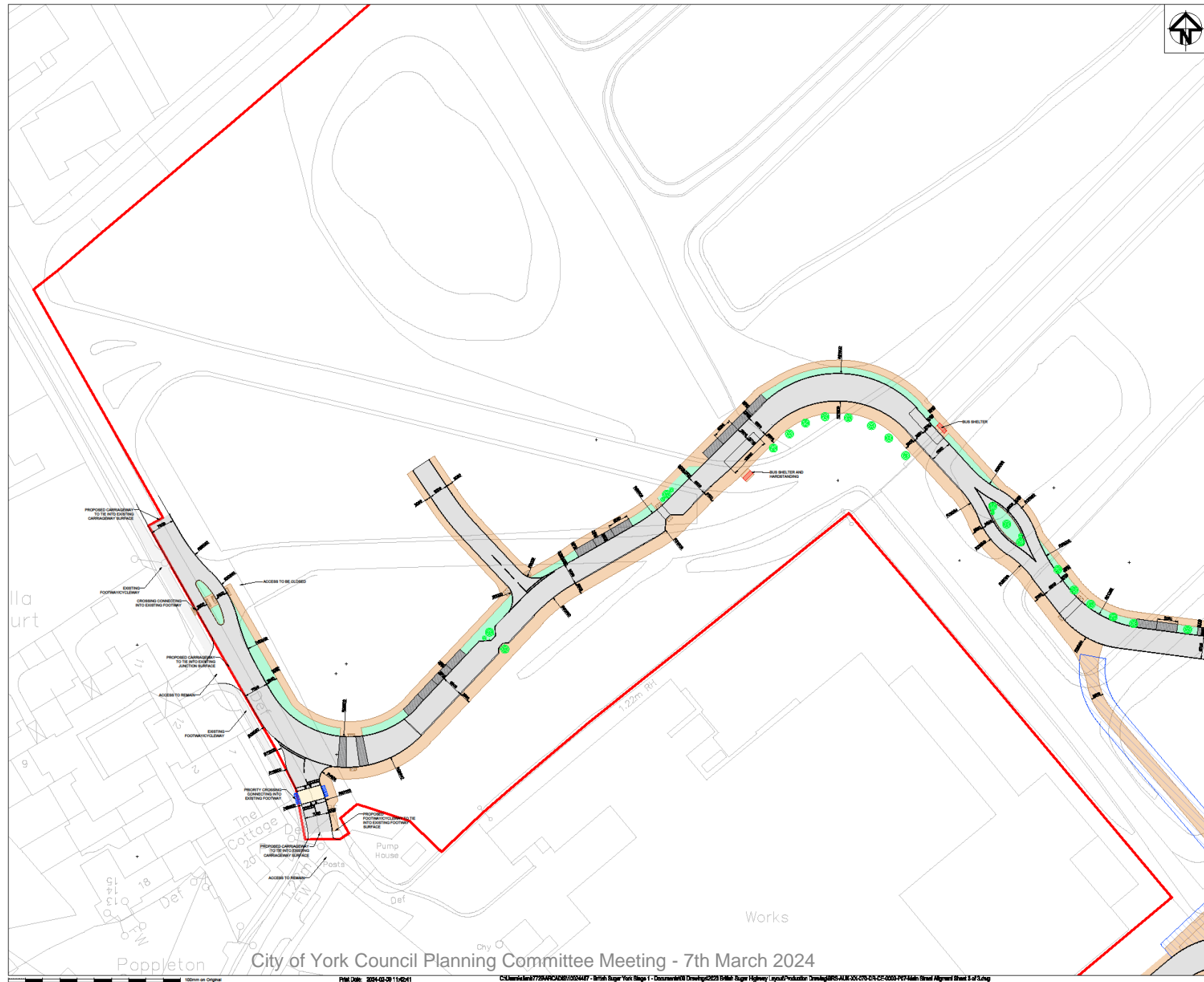
FOR INFORMATION

Drawing Number: BRS-AUK-XX-070-DR-CE-0002
Revision: P07



City of York Council Planning Committee Meeting - 7th March 2024

Main Street Alignment – Sheet 3 of 3



NOTE:
1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.

LEGEND:
— PROPOSED PROJECT BOUNDARY

Rev	Date	Description	Drawn	Check
01		PROPOSED ROAD LAYOUT UPDATES	DD	
02		PROPOSED ROAD LAYOUT UPDATES	DD	
03		PROPOSED ROAD LAYOUT UPDATES	RR	
04		PROPOSED ROAD LAYOUT UPDATES	RR	
05		PROPOSED ROAD LAYOUT UPDATES	RR	
06		PROPOSED ROAD LAYOUT UPDATES	RR	
07		PROPOSED ROAD LAYOUT UPDATES	RR	
08		PROPOSED ROAD LAYOUT UPDATES	RR	
09		PROPOSED ROAD LAYOUT UPDATES	RR	
10		PROPOSED ROAD LAYOUT UPDATES	RR	

Client
British Sugar

PROJECT:
British Sugar

Site
Boroughgate Road
York
Yorkshire
YO26 6AQ

Client
British Sugar

ARCADIS Infrastructure & Environment

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TITLE
MAIN STREET ALIGNMENT
SHEET 3 OF 3

Designer	R. REYES	Rev	01	20/06/2023
Drawn	R. REYES	Rev	01	20/06/2023
Checked	T. FAIRLIE	Rev	01	20/06/2023
Approved	M. DAVIES	Rev	01	20/06/2023
Scale:	1:500	Datums:	AOD	
Original Size:	A1	Grid:	OS	
Subsidiary Code:	S2	Project Number:	-	
Subsidiary Description:	-			

FOR INFORMATION

Drawing Number: BRS-ALIN-XX-070-DR-CE-0003
Revision: P07