



## Notice of a public meeting of

### Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters
- Date:** Thursday, 23 March 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor  
West Offices (F045)

### AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am** on **Tuesday 21 March 2017**

#### 1. **Declarations of Interest**

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

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

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

#### 2. **Minutes** (Pages 3 - 18)

To approve and sign the minutes of the last meeting of the Planning Committee held 16 February 2017.

### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm** on **Wednesday 22 March 2017**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

#### **Filming or Recording Meetings**

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

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

[http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### 4. **Plans List**

This item invites Members to determine the following planning applications:

**a) The Stables, Elvington Lane, Elvington, York, YO41 4EH (16/01443/FUL) (Pages 19 - 34)**

Continued use of land as Travelling Showperson's site for one family granted on appeal on 14th June 2011. [Wheldrake Ward]

**b) Whitehall Grange, Wigginton Road, York, YO32 2RJ (16/01446/OUTM) (Pages 35 - 62)**

Demolition of existing buildings, use of land to car storage facility and erection of office building.

[Rawcliffe and Clifton Without Ward] [Site Visit]

**c) Brick Farm, Benjy Lane, Wheldrake, York, YO19 6BH (16/02583/FUL) (Pages 63 - 72)**

Siting of 3 no. grain silos to be converted for use as holiday accommodation. [Wheldrake Ward]

**d) Hall Farm, Strensall Road, York, YO32 9SW (16/02886/FUL) (Pages 73 - 86)**

Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block.  
[Strensall Ward] [Site Visit]

**e) Former Haymarket Car Park, Dundas Street, York (16/02801/FULM) (Pages 87 - 116)**

Erection of five storey hotel (use class C1) [Guildhall Ward] [Site Visit]

**5. Appeals Performance and Decision Summaries (Pages 117 - 138)**

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

**6. Urgent Business**

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

Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

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

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

For more information about any of the following please contact the Democratic Services Officers 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 جا سکتی ہیں۔ (Urdu)

 (01904) 551550

**PLANNING COMMITTEE****SITE VISITS****TUESDAY 21 MARCH 2017**

<b>Time</b>	<b>Site</b>	<b>Item</b>
10.00	Minibus leaves Memorial Gardens	
10:25	Hall Farm, Strensall Road	4d
10:45	Whitehall Grange Wigginton Road	4b
11:20	Former Haymarket Car Park, Dundas Street	4e
12.10	The Stables, Elvington Lane	4a

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	16 February 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters

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**75. Site Visits**

<b>Application</b>	<b>Reason</b>	<b>In Attendance</b>
Proposed Floating Arts Venue, South Esplanade, York (16/01769/FUL)	To allow Members to familiarise themselves with the site which is within a Conservation Area and in the vicinity of listed buildings, following receipt of both objections and support.	Cllrs Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Galvin and Reid
Rosti Automotive, Stamford Bridge, The Warehouse, Stamford Bridge Road, Dunnington, York (16/02812/FULM)	To allow Members to familiarise themselves with the site which is located in the Green Belt.	Cllrs Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Galvin and Reid

**76. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Cllr Derbyshire declared a personal interest in relation to agenda items 4 b) and 4c) (The Guildhall, Coney Street, York) as her employer was a consultee of Historic England in relation to these applications.

Cllr D'Agorne declared a personal interest in relation to agenda item 4a) (Proposed Floating Arts Venue, South Esplanade, York) as he had previously attended events arranged in connection with the Arts Barge.

**77. Minutes**

Resolved: That the minutes of the last meeting of the Committee held on 19 January 2017, be approved and then signed by the Chair as a correct record.

**78. Public Participation**

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

**79. Plans List**

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

**80. Proposed Floating Arts Venue, South Esplanade, York (16/01769/FUL)**

Members considered a full application by the Arts Barge Project for the mooring of an Ouse Barge converted to create a floating Arts Venue adjacent to Tower Gardens/Skeldergate Bridge.

Officers circulated an update which provided:

- An example of the public access programme for the venue, showing event types and related noise levels provided by the applicant
- Make it York's review of available property in the city
- Officers comments in relation to alternative locations for the barge



- Amended reasons for refusal, to clarify that the public benefits of the development were not considered to outweigh the identified harm to the heritage assets
- Public Realm comments in relation to open space improvements and the re-landscaping of the riverside
- Details of nine third party representations in support
- Cllr Hayes comments in support of the application

Members questioned a number of points in relation to the update including:

- The reasons for refusal and alternative siting
- Had a precedent been set by adjacent cafe?
- Comparisons with other boats moored on the river
- Where the riverbank changed in character from commercial to residential development?

Sarah Doyle spoke, on behalf of local residents, to express their concerns at the impact of the proposals on the amenity of residents, particularly arising from anti-social behaviour and amplified music. She also raised river safety concerns in relation to customers and requested Members to protect the amenity and the character of the conservation area.

Honorary Alderman Brian Watson also raised objections to the proposed mooring of the barge and the dominant effects on the conservation area from the mooring poles and noise pollution.

Jan Dyl spoke as owner of Dyl's Cafe Bar situated adjacent to Skeldergate Bridge. He referred to the impact of the proposals on their family business which would change the ambience and openness of the area, particularly when the river was high. He referred to the effects of noise pollution, litter, late night drinking and river safety issues.

Bob Sydes, spoke as a Heritage Consultant and Research Associate at the University of York with experience in assessing the impact of development on historic buildings. He confirmed his support for the proposals and referred to the benefits of a high quality active river frontage. He considered that the development would not affect the setting or views and that the harm to heritage assets would be moderate.

Jane Gibson, spoke as Make it York Chair, also in support of the application which she felt would make better use of the river and provide a community use for residents and visitors of all

ages. The venue would provide an authentic cultural experience and help to keep the city relevant as a tourist designation and have a positive impact on local businesses.

Cllr Craghill, as one of the Ward Members, also confirmed Cllr Flinders' support for the proposals, which on balance they felt the benefits far outweighed any harm to the area. With the vessel being fully accessible and providing a variety of activities throughout the day, it was felt the proposals would be an asset to the city.

David Spencer, as the applicant's Architect, also spoke in support confirming their proposals for the sensitive restoration of a historic barge to provide a high quality inclusive venue. He stated that the mooring would not be out of character with the area and highlighted that, to provide financial viability, the venue would have low running costs.

In answer to Member questions, Officers and the applicant stated that:

- Whilst a number of alternative sites had been considered for the mooring of the barge, the site at the far side of the bridge was at a point where there was a kink in the river, adjacent to two lines of mature trees and did not allow the level access afforded at the preferred site
- The Environment Agency had been satisfied with the applicants emergency evacuation plans
- The deck housing provided disabled access, an accessible toilet and incorporated a lift to the lower deck
- It was not intended to sell alcohol at all scheduled events
- Officers had been satisfied that the noise levels within the barge were unlikely to result in a loss of amenity for local residents

The Legal Officer reminded Members of their statutory duty, when determining planning applications for developments which would affect a listed building, its setting or the Conservation Area, of their need to attach significant weight to the desirability of preventing harm to the character or appearance of the area or the preservation of the building or its setting when balancing such harm against the public benefits of the proposal,

Some Members supported refusal of the application for the reasons listed in the Officers revised reasons for refusal as they considered that the public benefits would not outweigh the harm caused to the designated heritage assets.

However, other Members felt that the public benefits of the development outweighed the concerns of local residents and the identified harm to the heritage assets. They felt that the venue would support the early evening economy, provide affordable performance space and, with a noise management plan in place, ensure that there was no loss of amenity for nearby residents.

Following further lengthy discussion, Cllr Shepherd moved refusal which was seconded by Cllr Warters for the reasons set out in the Officer update, copy added to online agenda. On being put to the vote this was lost.

Cllr Ayre then moved approval as he felt that the public benefits of the development outweighed the identified harm to the designated heritage assets in the vicinity, which was seconded by Cllr D'Agorne.

Officers outlined a number of conditions for inclusion in any approval which would be formulated by Officers, following the meeting, for subsequent agreement by the Chair and it was

Resolved: That approval be granted subject to delegated authority being granted to Officers to determine the precise wording of the conditions in consultation with the Chair.

Reason: The public benefits of the proposal in creating a permanent venue for the arts barge project in the City Centre outweigh the less than substantial harm to the designated heritage assets of the central historic core and the adjacent listed buildings, even when considerable importance and weight is attached to the desirability of preserving the significance of those heritage assets. Other impacts including the impact upon local residential amenity are considered to be acceptable in planning terms.

**81. The Guildhall, Coney Street, York, YO1 9QN  
(16/01971/FULM)**

Consideration was given to a major full application by the City of York Council for the alteration and refurbishment of the Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of the existing south

range to provide a cafe and ancillary accommodation, and the erection of an extension on the north side of the complex to form a restaurant and office accommodation.

Officers circulated an update which covered both this and the following listed building application which confirmed that:

- Condition 2 required amendment to include a number of plan references
- York Civic Trust had submitted a further response maintaining their objections to the proposals owing to their impact on 10-14 Lendal
- Two further letters of objection received expressing concern in relation to the Guildhall building, specifically the additional opening, the proposed draught lobby and the proposed alterations to the existing screen and dais
- Historic England's supportive comments of the principle of the development subject to a number of points relating to the dais screen and seating, gutter details, glass roof over the southern courtyard and the new porch
- A3 colour plans, diagrams and visualisations of the Guildhall complex were also circulated

Members then questioned a number of points arising from the update, including:

- The reasons behind the delisting of the garages which it was explained had been a statutory process to exclude the 1930's garages from the listing
- Heritage statement and conservation plan for the Guildhall complex; it was confirmed that the statement had formed the basis for initial discussions and had recently been updated, however a conservation plan had not been produced
- Accessibility at both ends of the complex
- During construction and demolition works compliance with the hours of operation to protect local residents
- Security of civic party, which it was confirmed would be assessed as part of the management plan

The Council's Legal Officer reminded Members of their need to consider the planning balance and give significant weight to the importance and preservation of the listed building and its setting and the character and appearance of the conservation area even if the harm to the building was considered less than substantial.

Guy Bowyer, representing the York Conservation Trust, spoke in objection to the scheme, highlighting its impact on the Grade II building at 10-14 Lendal. He referred to the impact of the northern extension and to the affect on the residential amenity of occupants of the flats by virtue of the loss of daylight and the riverside aspect and the loss of privacy by virtue of noise pollution.

Honorary Alderman David Horton, also spoke in objection to the scheme, in particular to the lack of consultation, the demolition of the Mansion House garages and proposed alterations to the dais and formation of a new south side entrance to the Guildhall. He requested Members to reject the current scheme.

Honorary Alderman Brian Watson, also spoke in objection expressing his concern at the current scheme for the complex. He felt that the proposals would not enhance the Guildhall, in particular his concerns regarding proposals for the dais, the new access and the removal of the garages from the Guildhall Yard.

David Ruddock, a local resident spoke of his interest in the works and to his objection to the scheme, particularly the details provided for the additional doorway from the Guildhall and the loss of the existing dais and screen.

David Fraser, spoke as Chief Executive of the York Civic Trust to confirm the Trust's involvement from the inception development and to express his support for earlier proposals. He referred however to the number of drawing variations since December which the Trust had had insufficient time to consider which meant that the Trust were therefore unable to support the current application.

David Warburton spoke as the Council's Project Manager on the Guildhall project confirming his involvement in the project since 2013. He referred to the deterioration of the current complex and the need for updating and reuse of the building whilst also retaining its civic use and provide security for the future of the complex. He referred to ongoing discussions and management arrangements to cover the usage of the space and operational links with the Guildhall and Mansion House.

Members went on to raise a number of questions in relation to the earlier speakers' comments, including:

- The consultation undertaken on the various schemes

- Withdrawal of support from the Civic Trust
- Details of the design of the new screen and its prevention of noise
- Catering for large events
- Operational use of the Guildhall Yard
- Accessible access

Aidan Ridyard addressed the Committee as the lead Architect for the project referring to the unique building and the need for continuity of the civic function whilst providing a flexible modern workplace. He outlined the various uses proposed including the provision of a civic and event space within the central section of the building which would revitalise the site.

Charles Storr spoke as Business Growth Manager at Make it York referring to the central location of the building and its current underuse. He confirmed Make it York's support for the development and the provision of high quality office space for which there was a strong demand from small businesses.

Members questioned a number of additional points including:

- Disabled access to all areas
- Vertical orientation of windows in the first floor cafe area
- Creation of the new lobby area at the entrance to the Guildhall
- Assurances regarding demand for office space
- Importance of finding a long term future for the building
- Affect on amenity of future residents in Lendal
- Concerns regarding garaging of Lord Mayor's vehicles on site
- Design should be based on a Planning Brief developed with key stakeholder
- Availability of rooms prior to future Council meetings

Following further lengthy discussion Cllr Galvin moved refusal, which was seconded by Cllr Shepherd on the grounds of:

- Harm to a listed building with the insertion of a doorway in the southern wall
- Harm to the Guildhall with the removal of the dais
- Removal of the garages which have a use by future Lord Mayors
- Harm caused by reasons of overlooking of 10-14 Lendal

On being put to the vote the motion was lost.

Cllr Galvin then moved and Cllr Richardson seconded the inclusion, in any approval, of a condition to state that the garages should not be demolished until such time as a cafe operator had been appointed. On being put to the vote this motion was also lost.

Cllr Reid then moved the Officer recommendation for approval subject to the updated list of conditions and revision of the informative relating to the management arrangements for the usage of the Guildhall Yard, which was seconded by Cllr Cuthbertson and on being put to the vote it was

Resolved: That subject to the expiry of the consultation period in relation to the amended plans and no new planning issues being raised, delegated authority be given to the Assistant Director of Planning and Public Protection to approve the application subject to the conditions listed in the report and the following amended conditions and informative:

Amended Condition 2.

AL(0)0100.P1

AL(0)0101.P2 Block Plan

AL(0)1000.P1 Proposed Roof Plan in Context

AL(0)1200.P3 Proposed Site Plan

AL(0)1300.P8 Proposed Basement Plan

AL(0)1310.P4 Proposed Basement Plan - Referenced

AL(0)1400.P16 Proposed Ground Floor Plan

AL(0)1410.P9 Proposed Ground Floor Plan - Referenced

AL(0)1500.P11 Proposed First Floor Plan

AL(0)1510.P5 Proposed First Floor Plan - Referenced

AL(0)1600.P14 Proposed Second Floor Plan

AL(0)1610.P7 Proposed Second Floor Plan - Referenced

AL(0)1700.P14 Proposed Tower Plan

AL(0)1710.P7 Proposed Tower Plan – Referenced

AL(0)1900.P11 Proposed River Front Elevation

AL(0)1901.P9 Proposed North Annexe Elevation From Boat Yard

AL(0)1903.P6 Proposed River Front Elevation In Context

AL(0)1910.P8 Proposed South Range Elevation From Revs Bar

AL(0)1911.P7 Proposed Guildhall Elevation From Common Hall Yard

AL(0)1950.P8 Proposed Section AA - North Range

AL(0)1952.P5 Proposed Section CC - Secondary Entrance

AL(0)1953.P7 Proposed Section DD - South Range

Café/entrance

AL(0)1954.P10 Proposed Section EE 1 (north)

AL(0)1955.P8 Proposed Section EE 2 (south)

AL(0)1956.P4 Proposed Section FF

AL(0)1960.P7 Proposed Section JJ - Council Chamber

AL(0)1963.P11 Proposed Section MM - Restaurant

AL(0)1964.P9 Proposed Section NN - North Annexe From  
Lendal

AL(10)0301.P4 Proposed Basement Demolition Plan: North

AL(10)0302.P4 Proposed Basement Demolition Plan: South

AL(10)0401.P4 Proposed Ground Floor Demolition Plan: North

AL(10)0402.P6 Proposed Ground Floor Demolition Plan: South

AL(10)0501.P5 Proposed First Floor Demolition Plan: North

AL(10)0502.P4 Proposed First Floor Demolition Plan: South

AL(10)0601.P4 Proposed Second Floor Demolition Plan: North

AL(10)0602.P4 Proposed Second Floor Demolition Plan: South

AL(10)0701.P4 Proposed Tower Demolition Plan

AL(10)0801.P4 Proposed Roof Demolition Plan

AL(80)1300.P4 Proposed Basement Fire Strategy Plan

AL(80)1301.P4 Proposed Basement Fire Strategy Plan: North

AL(80)1302.P4 Proposed Basement Fire Strategy Plan: South

AL(80)1400.P5 Proposed Ground Floor Fire Strategy Plan

AL(80)1401.P4 Proposed Ground Floor Fire Strategy Plan:  
North

AL(80)1402.P5 Proposed Ground Floor Fire Strategy Plan:  
South

AL(80)1500.P4 Proposed First Floor Fire Strategy Plan

AL(80)1501.P4 Proposed First Floor Fire Strategy Plan: North

AL(80)1502.P4 Proposed First Floor Fire Strategy Plan: South

AL(80)1600.P4 Proposed Second Floor Fire Strategy Plan

AL(80)1601.P4 Proposed Second Floor Fire Strategy Plan:  
North

AA(0)0100.P1 Proposed South Range WC Block Wall Detail

AA(0)0102.P1 Proposed Guildhall Glazed Draught Lobby  
Details

AA(0)0103.P1 Proposed Guildhall & South Range Seating  
Details

AA(0)0104.P1 Proposed Guildhall & South Range Entrance  
Details

AA(0)0104A.P1 Proposed Guildhall & South Range Alternative

AA(0)0105.P1 Proposed Guildhall & South Range Slype Details

AA(0)0106.P1 Proposed South Range Café Window Details

AA(0)0107.P1 Proposed Benching Details

AA(0)0108.P2 Proposed Council Chamber Details

AA(0)0113.P3 Proposed River Terrace Balustrade Details



Additional Condition to replace Informative:

Prior to the commencement of internal refurbishment works a detailed management plan to include arrangements for the parking and manoeuvring of vehicles (including delivery vehicles, provision for Mansion House associated parking within the Guildhall yard and the servicing of functions taking place within the complex) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the terms of the management plan.

Reason: To safeguard the character of the Central Historic Core Conservation Area, the significance of this complex of historic assets, and to safeguard the residential amenity of neighbouring properties.

Reason: Having attached considerable importance and weight to the desirability of avoiding the harms identified to the heritage assets, it is considered that the increased degree of public usage of the complex together with the on-going investment to secure a viable economic use would constitute a substantial public benefit that would clearly outweigh these harms. The other impacts identified including the impact upon the amenity of adjacent existing and future occupiers, flood risk, and ecological impact are considered to have been satisfactorily addressed as to be acceptable in Planning terms.

**82. The Guildhall, Coney Street, York, YO1 9QN (16/01972/LBC)**

Consideration was given to an application for Listed Building Consent, by the City of York Council, for the alteration and refurbishment of the Guildhall complex to create conference rooms, meeting rooms and office, refurbishment and part rebuild of existing south range to provide a cafe and ancillary accommodation, and erection of an extension on the north side of the complex to form a restaurant and office accommodation.

The Officer update and speakers listed under application 16/01971/FULM above also refer to this application.

Resolved: That subject to the expiry of the consultation period in relation to the amended plans and no new planning issues being raised, delegated authority be

given to the Assistant Director of Planning and Public Protection to approve the application subject to the conditions listed in the report and the following amended condition:

Amended Condition 2.

AL(0)0100.P1

AL(0)0101.P2 Block Plan

AL(0)1000.P1 Proposed Roof Plan in Context

AL(0)1200.P3 Proposed Site Plan

AL(0)1300.P8 Proposed Basement Plan

AL(0)1310.P4 Proposed Basement Plan - Referenced

AL(0)1400.P16 Proposed Ground Floor Plan

AL(0)1410.P9 Proposed Ground Floor Plan - Referenced

AL(0)1500.P11 Proposed First Floor Plan

AL(0)1510.P5 Proposed First Floor Plan - Referenced

AL(0)1600.P14 Proposed Second Floor Plan

AL(0)1610.P7 Proposed Second Floor Plan - Referenced

AL(0)1700.P14 Proposed Tower Plan

AL(0)1710.P7 Proposed Tower Plan – Referenced

AL(0)1900.P11 Proposed River Front Elevation

AL(0)1901.P9 Proposed North Annexe Elevation From Boat Yard

AL(0)1903.P6 Proposed River Front Elevation In Context

AL(0)1910.P8 Proposed South Range Elevation From Revs Bar

AL(0)1911.P7 Proposed Guildhall Elevation From Common Hall Yard

AL(0)1950.P8 Proposed Section AA - North Range

AL(0)1952.P5 Proposed Section CC - Secondary Entrance

AL(0)1953.P7 Proposed Section DD - South Range Café/entrance

AL(0)1954.P10 Proposed Section EE 1 (north)

AL(0)1955.P8 Proposed Section EE 2 (south)

AL(0)1956.P4 Proposed Section FF

AL(0)1960.P7 Proposed Section JJ - Council Chamber

AL(0)1963.P11 Proposed Section MM - Restaurant

AL(0)1964.P9 Proposed Section NN - North Annexe From Lendal

AL(10)0301.P4 Proposed Basement Demolition Plan: North

AL(10)0302.P4 Proposed Basement Demolition Plan: South

AL(10)0401.P4 Proposed Ground Floor Demolition Plan: North

AL(10)0402.P6 Proposed Ground Floor Demolition Plan: South

AL(10)0501.P5 Proposed First Floor Demolition Plan: North

AL(10)0502.P4 Proposed First Floor Demolition Plan: South

AL(10)0601.P4 Proposed Second Floor Demolition Plan: North

AL(10)0602.P4 Proposed Second Floor Demolition Plan: South  
AL(10)0701.P4 Proposed Tower Demolition Plan  
AL(10)0801.P4 Proposed Roof Demolition Plan  
AL(80)1300.P4 Proposed Basement Fire Strategy Plan  
AL(80)1301.P4 Proposed Basement Fire Strategy Plan: North  
AL(80)1302.P4 Proposed Basement Fire Strategy Plan: South  
AL(80)1400.P5 Proposed Ground Floor Fire Strategy Plan  
AL(80)1401.P4 Proposed Ground Floor Fire Strategy Plan:  
North  
AL(80)1402.P5 Proposed Ground Floor Fire Strategy Plan:  
South  
AL(80)1500.P4 Proposed First Floor Fire Strategy Plan  
AL(80)1501.P4 Proposed First Floor Fire Strategy Plan: North  
AL(80)1502.P4 Proposed First Floor Fire Strategy Plan: South  
AL(80)1600.P4 Proposed Second Floor Fire Strategy Plan  
AL(80)1601.P4 Proposed Second Floor Fire Strategy Plan:  
North  
AA(0)0100.P1 Proposed South Range WC Block Wall Detail  
AA(0)0102.P1 Proposed Guildhall Glazed Draught Lobby  
Details  
AA(0)0103.P1 Proposed Guildhall & South Range Seating  
Details  
AA(0)0104.P1 Proposed Guildhall & South Range Entrance  
Details  
AA(0)0104A.P1 Proposed Guildhall & South Range Alternative  
AA(0)0105.P1 Proposed Guildhall & South Range Slype Details  
AA(0)0106.P1 Proposed South Range Café Window Details  
AA(0)0107.P1 Proposed Benching Details  
AA(0)0108.P2 Proposed Council Chamber Details  
AA(0)0113.P3 Proposed River Terrace Balustrade Details

Reason: The scheme envisages the provision of a range of uses that would increase public interest in and usage of the site as well as affording a significant degree of investment that would secure the future of the site. It is felt this would amount to a substantial public benefit. Having attached considerable importance and weight to the desirability of avoiding the less than substantial harms identified to the listed building complex, it is concluded that these harms are clearly outweighed by the public benefits of the proposal.

**83. Rosti Automotive, Stamford Bridge, The Warehouse,  
Stamford Bridge Road, Dunnington, York (16/02812/FULM)**

Members considered a major full application by Rosti Automotive Stamford Bridge, for an extension to an existing warehouse.

Officers circulated details of a substitute informative, in respect of the construction proposals for the site, relating to hours of work, deliveries, noise, plant and machinery, bonfires and contamination, for inclusion in the suggested conditions.

Members requested that the landscaping condition should be applied to the lifetime of the development rather than for a period of five years.

David Bolton, the applicant's agent, spoke in support of the application, acknowledging the site's Green Belt location and their submission of a case for 'very special circumstances' which sought to outweigh the harm caused to the Green Belt. He confirmed that the facility was a key site in the Jaguar supply chain supporting 400 local jobs and had provided local investment of £5m. He also confirmed acceptance of the suggested alteration to the landscaping condition if permission was granted.

Following further discussion it was

Resolved: That the application be approved subject to the conditions listed in the report and the following amended Condition and Informative:

**Amended Condition 5**

No development shall take place above foundation level until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Informative:

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

1. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:  
Monday to Friday 08.00 to 18.00  
Saturday 09.00 to 13.00  
Not at all on Sundays and Bank Holidays.
2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".
3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.
4. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
5. There shall be no bonfires on the site.
6. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) 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. Should City of York Council become aware at a later date

of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

Reason: The facility is an intermediate component storage facility for a major motor component manufacturer who has a long running supply contract with Jaguar/Land Rover in the West Midlands. For an intermediate storage facility there are very specific locational requirements in terms of relationship to the host manufacturing site and the strategic highway network. At the same time the applicant has provided detailed information to demonstrate that the proposed extension to the facility could not reasonably be accommodated at either of the two local manufacturing plants and a detailed site search exercise which demonstrates that no other suitable non-Green Belt sites are available. It is felt that subject to appropriate landscaping the impact of the proposal upon the local landscape would be minimal and that the provision of the extension would safeguard local employment in the area. Having attached substantial weight to the harm to the Green Belt in the overall planning balance, it is considered that the considerations set out above in support of the proposal are of sufficient weight to clearly outweigh all the harms identified so as to amount to the very special circumstances necessary to justify an exception to Green Belt policy in this case.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 9.10 pm].

**COMMITTEE REPORT**

**Date:** 23 March 2017                      **Ward:** Wheldrake  
**Team:** Major and                              **Parish:** Elvington Parish Council  
                    Commercial Team

**Reference:** 16/01443/FUL  
**Application at:** The Stables Elvington Lane Elvington York YO41 4EH  
**For:** Continued use of land as Travelling Showperson's site for one family granted on appeal on 14th June 2011  
**By:** Mr And Mrs J Peel  
**Application Type:** Full Application  
**Target Date:** 20 January 2017  
**Recommendation:** Delegated authority be given to the Assistant Director for Planning and Public Protection to:-  
(i) Refer the application to the Secretary of State and, should the application not be called in by the Secretary of State,  
(ii) APPROVE the application subject to the conditions

**1.0 PROPOSAL**

1.1 The application seeks retrospective planning permission for three years for the change of use of agricultural land to a site for one family of travelling showpeople. The applicants have occupied the site since 2012. Their 5-year temporary permission expired in June 2016. The application is, in essence, to extend their period of occupation for a further three years.

1.2 The family comprises three adults and three children living in two static caravans. They also have one touring caravan. Apart from the caravans the family's vehicles and large items of equipment currently comprise two commercial vans, a hot food sales trailer, a mobile trampoline, a cups and saucers ride, a small children's train ride and one domestic vehicle. A stable block on the site is used for storage of some of the applicants' portable business equipment, in particular bouncy castles. The larger items of equipment are stored in the open on the site.

1.3 Determination of this application would normally be delegated to officers. The Assistant Director for Planning and Public Protection has put the application before Members due to the high level of public interest.

1.4 The Department for Communities and Local Government (DCLG) has asked that, if the Council were to resolve to approve the application, the application documents be forwarded to the DCLG prior to determination. The purpose would be to enable the Secretary of State to consider whether he should direct that the

application be referred to him for determination. The request by the DCLG is in response to a request by a third party for the application to be called in.

## PLANNING HISTORY

1.5 In 2011 the council refused planning permission (10/02082/FUL) for the change of use of agricultural land to a site for one family of travelling showpeople, the current applicants. At that time the family lived in car park of a social club and comprised three adults and two children. Whilst acknowledging a shortage of travelling showpeople's sites in the York area and the needs of the applicants' family for a suitable site, the application was refused due to harm to the Green Belt and impact on the attractive rural character of the area.

1.6 At the subsequent appeal the inspector found, among other things, that:

- The use of the land, including the stationing of caravans, was inappropriate development in the Green Belt and would be harmful to its openness, to which he attributed substantial weight;
- The loss of openness as a result of the proposal would be considerable, to which he attached significant weight;
- The proposal would be harmful to the purposes of the Green Belt (moderate weight) and harmful to the character and appearance of the area (moderate weight).

1.7 The inspector weighed this harm against the factors in favour of the proposal, which were:

- The need for sites generally (significant weight);
- The appellants' need for a site (significant weight);
- The lack of alternative sites (significant weight);
- The educational and medical needs of the appellants (moderate weight); and
- The location of the site (some weight).

1.8 He concluded that the case was finely balanced with the factors against the proposal being broadly in balance with those in favour. He found that the substantial harm to Green Belt objectives was such that the other considerations did not amount to very special circumstances that would justify the grant of permanent planning permission. However, given the lack of alternatives sites at that time and the potential for sites to be brought forward in the longer term through the development plan process, a temporary consent would be appropriate, subject to conditions. He therefore allowed the appeal. The consent was limited to five years only and made personal to the family of the appellants.



1.9 Other conditions were attached to ensure that harm to the area would be minimised. These conditions addressed the number of vehicles/amount of equipment on site, the number of caravans on site, restrictions on outside storage, landscaping, lighting, surfacing and provision of appropriate coverings for equipment storage.

1.10 In 2015 condition 9 of the planning permission was varied (15/01113/FUL) to allow the approved living showman's caravan, which was approximately 12.2m long, to be replaced by a chalet-style caravan not exceeding 18.19m long. Consent for the change did not extend the period of planning permission for the use of the land as a site for travelling showpeople.

1.11 The 5-year period of consent expired in June 2016, hence the current application. The applicants were initially seeking permanent planning permission but are now seeking temporary permission pending publication of the emerging local plan.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Contaminated Land  
City Boundary York City Boundary 0001

### 2.2 Policies – City of York Development Control Draft Local Plan (2005):

GB1 - Development in the Green Belt  
H16 - Residential sites for gypsies/travellers.

### 2.3 Policies - City of York Local Plan Publication Draft (2014):

GB1 – Development in the Green Belt  
H6 - Gypsy, Roma, Traveller and Travelling Showpeople Sites.

## **3.0 CONSULTATIONS**

### INTERNAL

#### Planning and Environmental Management (Forward Planning)

3.1 No policy objection. The site should be treated as falling within the general extent of the Green Belt so the case for very special circumstances needs to be considered. The evidence base for the emerging Local Plan supports the principle of the allocation of this site for travelling showpeople. The Preferred Sites consultation (2016) includes the site as being suitable for travelling showpeople to

allow for future expansion of the same family which should be a consideration in the determination of this application.

### Planning and Environmental Management (Landscape)

3.2 It is not necessary to provide more planting along the boundary with the tree-lined drive to Brinkworth Hall. It is part of the landscape character and original design that the drive passes through fields of openness on either side. The approved planting plan has been implemented correctly and appears to be establishing well. There have been a few failures, and a small quantity of plants are showing less vigour, but the overall success rate is as one would expect. The two groups of Silver Birch along the edge of the application site will be more effective during the summer months and as they mature. If it is considered necessary to add more planting it should comprise evergreen shrubs such as Laurel or Yew to sit in the landscape amongst incidental planting, rather than create a regular boundary or screen. This could be secured by a planning condition.

### EXTERNAL

#### Elvington Parish Council

3.3 The Planning Inspector's decision should be upheld. Would expect CYC to oppose this application and to enforce the Planning Inspector's decision and ensure that the site is returned to its Green Belt status.

#### Elvington Church of England Primary School

3.4 The family should be allowed to continue living at Elvington Stables. Mr and Mrs Peel have twin daughters at the school. It would be in the children's best interests to be able to remain at the school as a settled and stable education with a supportive school is critical to their well-being.

#### Showmen's Guild of Great Britain

3.5 Mr and Mrs Peel are Travelling Showpeople and are full and operating members of The Showmen's Guild of Great Britain. They travel from fair to fair operating their showmen's equipment. Mr and Mrs Peel do stay away at fairgrounds at times during the season in order to fulfil their working requirements.

### Neighbour Notification and Publicity

3.6 16 objections have been received raising the following planning issues:

- The applicants are in breach of planning regulations because their planning permission has expired;

- The site should have reverted to open land after expiry of the planning permission;
- The travelling community should not receive special treatment;
- Loss of Green Belt land;
- The use is inappropriate development in the Green Belt for which there are no very special circumstances;
- Draft allocation as a travellers site should have no bearing on the planning application;
- Alterations to the Green Belt should only be made through the local plan process;
- The applicants no longer qualify as travelling showpeople because they no longer have a nomadic lifestyle;
- The use should be located on brownfield land;
- The equipment should be stored at a proper storage facility;
- The site is inappropriate for use as a travellers site;
- The use, caravans and equipment are not in keeping with the rural character of the area;
- The site is untidy/unsightly;
- Better screening should be provided;
- The elderly dependent relative does not reside at the site;
- Unauthorised persons frequently reside at the site;
- The site is used for storage by unauthorised third parties;
- Access from the public highway is unsafe;
- Further development would increase the risk of flooding.

3.7 11 letters of support have been received, raising the following issues:

- The applicants are bona fide travelling showpeople;
- They cause no harm to their neighbours;
- They benefit and diversify the village community;
- They are part of the school and village community;
- Refusal would have a negative impact on the children's education/life chances;
- There is a shortage of suitable sites for travellers/showpeople;
- There are no other suitable sites in Elvington;
- If planning permission were refused the applicants would become homeless and CYC would have to provide them with accommodation;
- Green Belt land has to be used for housing because there is not enough brownfield land;
- The site is in a good location for a travellers/showpeople site;
- Only a small part of the paddock is used as a showpeople site;
- Consent would have little or no detrimental impact on the local area/environment;
- The use is not intrusive;

- The site is well kept and equipment is covered when not being used or maintained;
- The site is not in an area of natural beauty;
- The area is already partly built-up/industrial;
- Approval would satisfy a housing need;
- The use provides work/employment.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Impact on the Green Belt
- Character and appearance
- Neighbour amenity
- Flood risk and drainage
- Traveller status of the applicants
- The planning balance

### **POLICY CONTEXT**

4.2 Section 38(6) of the Planning and Compensation Act requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. This is a statutory requirement and is the starting point for consideration of the planning application. The development plan for York comprises the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved in 2013. These policies are YH9(C) and Y1 (C1 and C2) and the key diagram insofar as it illustrates the general extent of the Green Belt. It is for the local plan process to identify the precise boundaries of the Green Belt around York but the application site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.3 In order to properly undertake the balancing exercise required by s.38(6) the local planning authority must consider whether there are any other material considerations. The most relevant of these is national planning policy in the NPPF.

4.4 Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt.

4.5 Paragraph 4 of the NPPF states that Local planning authorities taking decisions on travellers sites should also have regard to the policies in Planning

Policy for Traveller Sites (August 2015). Policy E states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development and should not be approved except in very special circumstances. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances (paragraph 16).

4.6 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The most relevant Draft 2005 policies are H16 (Residential Sites for Gypsies/Travellers) and GB1 (Development in the Green Belt).

4.7 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. The main draft policies that cover matters raised by this application are GB1 (Development in the Green Belt) and H6 (Gypsy, Roma, Traveller and Travelling Showpeople Sites). The evidence base that underpins the emerging policies is a material consideration in the determination of planning applications. National planning policy and guidance require local planning authorities to identify a supply of suitable travelling showpeople sites to meet their locally set targets. City of York Council has identified the need in York for a total of seven plots over the plan period. The Stables, Elvington (site SP1) was assessed as being a suitable travelling showpeople site. It was subsequently included as an allocation in the Local Plan for up to three plots to allow for future expansion for the same family.

4.8 Paragraph 216 of the Framework states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan; the extent to which there are unresolved objections; and the degree of consistency with policies in the Framework. The plan is at an early stage in the statutory process and there is a high level of objection to Elvington Stables being allocated as a site for travelling showpeople. Therefore the weight that can be given to the emerging plan and the allocation of the site for showpeople is very limited.

4.9 Policy E of Planning Policy for Traveller Sites is clear that if a local planning authority wishes to change the Green Belt boundary to meet a specific need for a traveller site it should do so only through the plan-making process and not in response to a planning application.

## THE APPLICATION SITE

4.10 'The Stables' occupies approximately 1.6 hectares. It mainly comprises two paddocks edged by mature woodland with vehicular access from Elvington Lane.

The application site is a relatively small, defined, part of the holding. It mainly comprises the access, a former stable block and an area of hardstanding. Access is from Elvington Lane through a tree belt protected by TPO.

4.11 The site is in the Green Belt and outside any settlement limit. It is occupied by the applicants (Mr & Mrs Peel), their children and Mrs Peel Senior, who is a dependent. Together they comprise a traditional travelling showman's family with strong business and family links to York. They are members of the Showmen's Guild of Great Britain and attend fairs and other local events in and around York.

4.12 The caravans, other vehicles and equipment used in connection with the applicants' business are parked on the hardstanding or stored within the stable block.

## ASSESSMENT OF HARM TO THE GREEN BELT

4.13 The Framework makes clear at section 9 that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). Paragraphs 89 and 90 of the Framework specify the types of development that are 'not inappropriate' in the Green Belt. All other development is inappropriate and, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 79 also states that that the essential characteristics of green belts are their openness and their permanence.

4.14 The application proposal does not fall within any of the categories of appropriate development in paragraphs 89 or 90. It therefore constitutes inappropriate development for the purposes of paragraph 88 of the Framework and by definition causes harm to the Green Belt which must be given substantial weight. When considering planning applications local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Whether there are such other considerations, amounting to very special circumstances, is assessed from paragraph 4.26 of this report.

## CHARACTER AND APPEARANCE

4.15 The site lies in an attractive rural enclave between Airfield Industrial Estate to the west and Laveracks Industrial Estate to the east. This section of Elvington Lane is bounded on both sides by a tree belt and has an attractive rural character although, as noted by the appeal inspector, the rural character is severely diluted by the two industrial areas. Public views into the site are extremely limited, confined solely to fleeting glimpses, mainly during the cooler months, from Elvington Lane through the tree belt.

## NEIGHBOUR AMENITY

4.16 The site is easily visible at all times of the year from an attractive, Chestnut-lined, private drive to the south-west of the site between Elvington Lane and Brinkworth Hall. These trees are protected by TPO. Whilst the drive is not a public highway it makes a significant contribution to the character and appearance of the area. The drive is the main access to a Brinkworth Hall and a small group of converted dwellings within its grounds. The appeal inspector considered the impact of the use as a showpersons site and concluded that it would not significantly impair the living conditions of the neighbouring occupiers. He acknowledged that some views would be changed but that those changes would not equate to harm to living conditions. The chalet-style mobile home approved by the council in 2015 is significantly larger than the showman's caravan it replaced but, despite its larger size and in the context of the other caravans and vehicles on the site, it has not changed the living conditions of the neighbouring occupiers as assessed by the inspector.

## FLOOD RISK AND DRAINAGE

4.17 The National Planning Policy Framework (NPPF) sets out the Government's policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. The development is in low risk Flood Zone 1 and should not suffer from river flooding. After planning permission for the site was approved in 2012 drainage details were submitted and approved by the local planning authority. The current planning application would not require any alterations to the approved drainage regime.

## TRAVELLER STATUS OF THE APPLICANTS

4.18 Some objectors argue that the applicants no longer have a travelling lifestyle and therefore planning policy relating to travellers does not apply to them. The glossary to the national Planning Policy for Traveller Sites (August 2015) defines travelling showpeople as, in essence:

Members of a group organised for the purposes of holding fairs, circuses or shows including such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily but excluding Gypsies and Travellers.

4.19 The applicants are members of the Showmen's Guild of Great Britain. They operate their business mainly in the York area but attend fairs and other events further afield at various times during the year. Whilst the applicants appear to have a fairly settled lifestyle, in part due to their children's attendance at Elvington Church

of England Primary School and family health needs, officers are satisfied that the family continue to meet the definition of travelling showpeople in planning policy guidance.

## HUMAN RIGHTS

4.20 Article 8 of the European Convention on Human Rights provides a right to respect for, among other things, one's home life and family. The proposal and officers' recommendation to approve do not impact on those rights. However, should Members be minded to refuse the application it would be necessary to consider the impact on the applicants' Article 8 rights and whether refusal is necessary and proportionate in all the circumstances.

## OTHER MATTERS RAISED BY OBJECTORS

4.21 The application would have no material impact on access, traffic or highway safety.

4.22 Some objectors argue that the site is untidy/unsightly. Certainly the site has a utilitarian appearance due to the nature of the use. But officers do not consider that it is unsightly, untidy or badly managed. The appearance of the site is as one would expect of a site for travelling showpeople.

4.23 The landscaping carried out by the applicants does not screen the site from Brinkworth Hall but it was never intended to. The planting breaks up views of the caravans and equipment while maintaining the area's attractive open character. National planning policy in Planning Policy for Traveller Sites states, at paragraph 26, that when considering applications, local planning authorities should attach weight to, among other things:

- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

4.24 Officers consider that the approved landscaping complies with this national planning guidance.

4.25 The applicants have stated that they have never stored any other person's equipment and that they would accept a planning condition allowing only their equipment to be brought onto the site.

## THE PLANNING BALANCE



4.26 Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.27 The 2011 appeal inspector found that despite the proposed use as a showpeople's site being harmful to the Green Belt there were a number of factors in favour of the proposal. These factors weighed against the harm to the Green Belt. They were

- The need for sites generally;
- The appellants' need for a site;
- The lack of alternative sites;
- The educational and medical needs of the appellants; and
- The location of the site.

4.28 He concluded that, given the lack of alternatives sites at that time and the potential for sites to be brought forward in the longer term through the development plan process, a temporary consent would be appropriate. He therefore allowed the appeal and granted consent for five years. This rationale for granting temporary consent applies equally to the current application (with even greater weight in favour of approval because the appellants now have a third child). The development plan process has not, to date, progressed to the point at which allocations carry significant weight in the determination of planning applications particularly where, as in this case, the draft allocation as a travelling showpeople's site has raised significant objections. National planning policy states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. In the current case the interests of the applicants' children is a very significant consideration. A settled lifestyle is critical to their well-being and they attend the local school. Nevertheless, officers consider that their interests would be adequately protected, in the short term at least, by the grant of a further temporary consent. Officers consider that consent for a further three years would allow enough time for a permanent site to be allocated through the local plan process, i.e. in accordance with national planning policy.

## **5.0 CONCLUSION**

5.1 The proposals constitute inappropriate development in the Green Belt. Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Officers consider that the applicants' need for a site and the lack of alternative sites constitute very special circumstances

in support of the grant of planning permission for a further three years and accords with national planning policy in the NPPF and Planning Policy for Traveller Sites.

## 6.0 RECOMMENDATION:

Delegated authority be given to the Assistant Director for Planning and Public Protection to

(i) Refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990 and, should the application not be called in by the Secretary of State, then

(ii) APPROVE the application subject to the following conditions:

1 The development hereby permitted shall be occupied only by Mr James Peel, Mrs Emma Peel, Mrs Peel Senior and resident dependants and shall be for a limited period until 31 March 2020, or the period during which the premises are occupied by them, whichever is the shorter.

Reason: To protect the openness of the Green Belt.

2 When the premises cease to be occupied by Mr James Peel, Mrs Emma Peel, Mrs Peel Senior and resident dependants or on 31 March 2020, whichever shall first occur, the use hereby permitted shall cease, all caravans, materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: To protect the openness of the Green Belt and the character and appearance of the area.

3 The development hereby permitted shall be carried out in accordance with the approved location and block plan numbered 10042-4 Rev.D.

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

4 No more than three caravans (a twin-unit mobile home not exceeding 18.29m long, a living tourer caravan and one touring caravan), only two of which shall be used for human habitation whilst on site, shall be stationed on the site at any time.

Reason: To ensure that visual harm to the area is minimised.

5 The area used for the storage of vehicles and fairground equipment, apart  
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from the caravans at condition 4 above, shall be confined to the area shown hatched on the approved location and block plan numbered 10042-4 Rev.D.

Reason: To ensure that visual harm to the area is minimised.

6 No vehicles, plant, machinery, goods or equipment shall be stored or deposited upon the site to a height exceeding 5 metres above existing ground level.

Reason: To ensure that visual harm to the area is minimised.

7 No barrier or gate to the vehicular access shall be erected within 20m of the rear of the footway on Elvington Lane abutting the site, and no barrier or gate shall open towards the public highway.

Reason: In the interests of highway safety.

8 No equipment, machinery or vehicles shall be stored at the site, or brought onto the site for maintenance or repair, other than equipment, machinery and vehicles used by Mr James Peel, Mrs Emma Peel and their resident dependants.

Reason: To ensure that visual harm to the area is minimised.

9 No maintenance of equipment involving the use of power tools shall take place outside the hours of 0700 to 1800 and not at any time on Sundays and Bank or Public Holidays.

Reason: To protect the amenities of nearby residential occupiers.

10 No musical sound systems or public address systems shall be tested or used on the site.

Reason: To protect the amenities of nearby residential occupiers.

11 The development shall be carried out in accordance with the detailed landscaping proposals shown on drawing 931/PL6 dated 27 June 2011 approved under approval of details application AOD/11/00199 dated 11 October 2011. Any trees or plants which, during the lifetime of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority limited consent to three years only, sought further information from the applicants and attached appropriate planning conditions in accordance with the proposals.

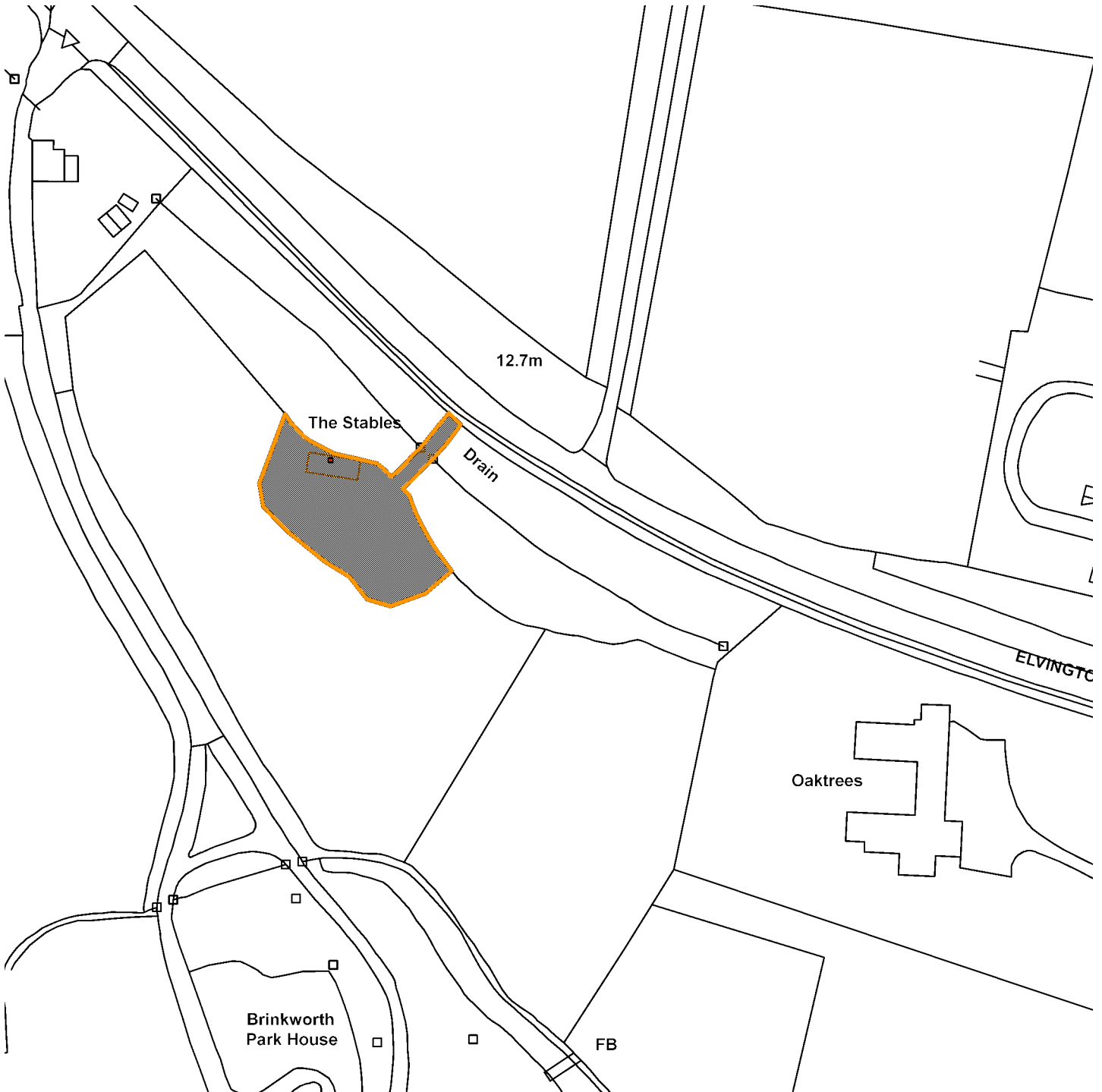
**Contact details:**

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**Tel No:** 01904 552830

16/01443/FUL

The Stables, Elvington Lane, Elvington



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	13 March 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 23 March 2017      **Ward:** Rawcliffe And Clifton Without

**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 16/01446/OUTM

**Application at:** Whitehall Grange Wigginton Road York YO32 2RJ

**For:** Demolition of existing buildings, use of land to car storage facility and erection of office building

**By:** Mr Richard Baines

**Application Type:** Major Outline Application (13 weeks)

**Target Date:** 20 October 2016

**Recommendation:** Approve after referral to Sec. of State

**RECOMMENDATION**

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

- (i) Refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990 and paragraph 4(b) of The Town And Country Planning (Consultation) (England) Direction 2009 and, should the application not be called in by the Secretary of State, then
- (ii) APPROVE the application subject to the conditions set out later in this report.

**1.0 PROPOSAL**

1.1 Planning permission is being sought for the demolition of existing buildings and the use of the land as a car storage facility for up to 2000 cars. A 2-storey, 3000sqm office building for approximately 200 staff would be located at the north-west corner of the site. The proposal includes an internal circulation road, areas of hardstanding surfaced in grasscrete (which would occupy most of the site), a small security gatehouse, lighting and landscaping. Access would be taken from the existing access onto Wigginton Road. The entrance gateway would be set back to allow for a car transporter to pull up off the public highway. The application is a hybrid in that it seeks:

- (a) full planning permission for the change of use to a car storage facility and for the construction of the associated infrastructure; and

(b) outline planning permission (with appearance and landscaping reserved) for the 2-storey office building and the security gatehouse. The parameters of the office building are 9m high, 80m long across its frontage and up to 29m deep. The building would have a footprint of 1,683sqm. The security gatehouse would be single-storey and have a footprint of 40sqm.

1.2 The Town and Country Planning (Consultation) (England) Direction 2009 requires that development proposals which, by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt are referred to the Secretary of State for consideration.

1.3 The applicant is a limited company that specialises in car rental, vehicle leasing and contract hire services. The company has grown significantly since it was established 20 years ago and now employs 75 to 100 staff with a fleet of 2000 cars per annum. The company's headquarters and principal car storage areas are at Leeman Road (York Central). The day-to-day car rental operation is situated at Queen Street, close to York railway station. The company proposes to vacate its current premises and relocate its headquarters/office premises and car storage areas to one site at Clifton Moor, the application site.

## PLANNING HISTORY

1.4 In 2015 a screening opinion was sought as to whether an environmental impact assessment would be required for the proposal (15/02007/EIASN). The council concluded that the development is unlikely to have significant environmental effects and therefore an EIA would not be required.

1.5 In 2010 planning permission was granted for the construction, on approximately half of the application site, of a 600-space park and ride facility with a passenger terminal building and access from Wigginton Road. The permission was not implemented.

## 2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies: City of York Development Control Draft Local Plan (2005)

GB1 - Development in the Green Belt

GP1 - Design

GP4a – Sustainability

GP15a – Flood Risk

GP9 - Landscape

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## 2.3 Policies: City of York Local Plan Publication Draft (2014)

GB1 - Development in the Green Belt

D2 – Placemaking

FR1 – Flood Risk

FR2 – Surface Water Management

GI1 – Green Infrastructure

## 3.0 CONSULTATIONS

### INTERNAL

#### Planning and Environmental Management (Forward Planning)

3.1 States the development would impact on the openness of green belt, undermining one of its essential characteristics and potentially weakening its future role as green belt. A policy objection would stand unless the potential harm to green belt is clearly outweighed by other considerations, such as the economic benefits to the city. We are satisfied that the applicants have appropriately considered other available alternatives, with the conclusion that the Whitehall Grange site is the only available and viable alternative. Colleagues in Economic Policy are best placed to advise on the issues of need and the stated economic benefits, to establish whether very special circumstances exist in this case.

#### Economic Development

3.2 States there is a very strong economic case for planning permission to be granted because:

- The overall proposals are in line with the council's economic strategy in terms of growing our high value jobs base. Granting permission would protect 85 jobs in the city, which are otherwise at risk of leaving the city and would lead to 75 further jobs in the local authority area over the next four years. The overall economic impact in the city is estimated to be over £2 million a year.
- Planning permission would enable the business to vacate their current premises in the city centre (including their Leeman Road site), which would help ensure that the authority can develop the York Central Enterprise Zone, our main economic development priority.
- Autohorn predict that relocating from the city centre to Clifton Moor would require fewer road trips in the city centre of York, which would reduce the impact of congestion on business and resident travel time.

- Autohorn have shown that there is no available alternative site in York.

### Highway Network Management

3.3 Objection. In pure traffic generation terms the development does not create road capacity issues. However, the location and proposed use of the site is not sustainable in travel terms. The site is poorly served by public transport and pedestrian and cycle facilities. Sustainable transport choices will be difficult to achieve and as such the proposed office accommodation would significantly be reliant on the use of the private car, which is contrary to government advice in the NPPF section 4 (Promoting Sustainable Transport).

### Flood Risk Management

3.4 No objection to the proposed drainage subject to the outfall ditch being cleared prior to commencement on site. Recommends a condition preventing piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

### Planning and Environmental Management (Landscape)

3.5 States the site lies within a green wedge in which there is a strong sense of countryside and openness north and south of the ring road. Whilst the quality of the landscape of the green wedge is to a degree compromised by the presence of various disparate structures, the application site is fundamentally open, green, and of a countryside nature. Urban elements interrupt the clarity of this section of green wedge and reduce its landscape quality but, in essence, Wigginton Road passes through open space. The proposed development would cause further disruption to the essentially open landscape. The scale of the development is substantial; the car storage areas would be a constructed surface, very different to grazed pasture or arable land. The development would retain a degree of openness and a view of the Minster over the tops of the cars and hedges. However, the character of the landscape would be permanently changed by way of the extent of hard standing and the quantity of cars. The introduction of additional hedging and trees would increase the quantity of landscape features within the site but would be counteracted by the loss of open natural grassland.

3.6 The development should be as unobtrusive within the existing landscape as possible. If planning permission is approved add conditions requiring details of landscaping, fencing, lighting and any other external street furniture or ancillary structures.

Planning and Environmental Management (Ecology)

3.7 Satisfied with the proposed landscaping scheme and species mix.

Planning and Environmental Management (Archaeology)

3.8 This site is in an area which contains nationally significant undesignated heritage assets. A desk-based assessment has been produced but the site requires further archaeological investigation and recording. This should be secured by planning conditions.

Public Protection

3.9 No objections. Conditions should be attached regarding: details of noisy machinery; hours of construction; submission of a construction environmental management plan; submission of a lighting impact assessment; provision of vehicle recharging points; and contamination.

EXTERNAL

Clifton Without Parish Council

3.10 No response received

Yorkshire Water

3.11 No comments to make.

Environment Agency

3.12 No comments.

Kyle and Upper Ouse Internal Drainage Board

3.13 No comments.

Neighbour Notification and Publicity

3.14 No responses received

**4.0 APPRAISAL**

4.1 KEY ISSUES:-

- Impact on the Green Belt

- Visual impact
- Local economy
- Flood risk and drainage
- Highway matters
- Ecology
- Archaeology
- Planning balance

## POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. This is a statutory requirement and is the starting point for consideration of the planning application. The development plan for York comprises the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved in 2013. These policies are YH9(C) and Y1 (C1 and C2) and the key diagram insofar as it illustrates the general extent of the Green Belt. It is for the local plan process to identify the precise boundaries of the Green Belt around York but the application site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.3 In the absence of a formally adopted local plan the most up-to date representation of relevant policy is the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). However, this presumption in favour does not apply to the current application because of the site's Green Belt location. Sustainable development is identified as having three roles, which are economic, social and environmental (paragraph 7). These roles should not be taken in isolation because they are mutually dependent. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. They include driving and supporting sustainable economic development and protecting the Green Belt.

4.4 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The most relevant Draft 2005 policies are listed at paragraph 2.2 of this report.

4.5 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. The consultation document includes a package of sites which together would address identified housing and employment growth over the Plan period. The plan is at an early stage in the statutory process therefore the weight that can be given to it is very limited. The site is not allocated for development. The main draft policies that cover matters raised by this application are listed at paragraph 2.3 of this report.

4.6 The site was submitted for consideration for development as part of the Call for Sites in 2012. As set out in the Site Selection Paper (2013) the site was logged as Site 246: Whitehall Grange. A four stage criteria methodology was used to sieve out sites which did not meet the provisions of the criteria. The chosen criteria are based upon the spatial principles for York as set out in the Spatial Strategy in the emerging Local Plan. The assessment criteria specifically included:

- Criteria 1: Environmental Assets (historic character and setting, green corridors, nature conservation sites, ancient woodland and high flood risk (flood zone 3b));
- Criteria 2: Existing openspace;
- Criteria 3: Greenfield sites in high flood risk (Flood Zone 3a));
- Criteria 4a: Access to services; and
- Criteria 4b: Access to transport.

4.7 The site failed criteria 1 as it is considered to be in an area of value in terms of historic character and setting of York (sites failing criteria 1 were not assessed against the other criteria). It was therefore not considered appropriate for development. The site was re-submitted through the preferred options consultation for employment use but without any evidence relating to the previous reasons for rejection. The site therefore continued to fail our site selection process. One representation was received through the further sites consultation, objecting to the conclusions made on the site's suitability. The Site Selection Addendum report (2014) responded to this and recommended no change to previous comments, ie that the site would not be taken forward as a potential allocation

## APPLICATION SITE

4.8 Predominantly grazing land with a house and storage buildings occupying part of the site. Remnants of a WWII airfield including part of the runway and other military features are still evident. The whole of the base is within flood zone 1 and occupies approximately 10ha. To the north is ROKO Health Club. To the east is Wigginton Road with agricultural land beyond. To the south is a golf range and to the west is a business park. The site is outside the settlement limit of York and is in the general extent of the Green Belt.

## IMPACT ON THE GREEN BELT

4.9 The Framework makes clear at section 9 that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). Paragraphs 89 and 90 of the Framework specify the types of development that are 'not inappropriate' in the Green Belt. All other development is inappropriate and, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The application proposal does not fall within any of the categories of appropriate development in paragraphs 89 or 90. It therefore constitutes inappropriate development for the purposes of paragraph 88 of the Framework and by definition causes harm to the Green Belt which must be given substantial weight.

4.10 Paragraph 80 the Framework lists the five purposes of the Green Belt, which are:

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

4.11 The council considers that the application site serves purposes 2 to 5 and that, despite the boundaries not having been formally set in an adopted local plan, the site should be treated as being within the Green Belt. The proposal would have some impact on openness due to the presence of the office building, gatehouse, cars parked for long periods, lighting etc, but some of this impact would be mitigated by the demolition of the existing buildings. The proposal would conflict with purposes 2 to 5 of the Green Belt as set out at paragraph 80 of the NPPF. When considering planning applications local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, impact on openness, conflict with the purposes of including land in the Green Belt and any other harm is clearly outweighed by other considerations. Whether there are such other considerations, amounting to very special circumstances, is assessed at paragraphs 4.35 to 5.1 below.

## VISUAL IMPACT

4.12 All existing buildings on the site would be demolished. The proposed 2-storey office building would be located at the north-west corner of the site, close to the boundary with Clifton Moor Business Park. The building would be seen against a backdrop of the business park, thereby minimising its visual impact. The single-

storey security gatehouse would be in a more-prominent position close to the public highway at Wigginton Road but the footprint would be small and the building would be partially screened by the hedge along the highway boundary.

4.13 The site is located in a green wedge between Clifton Moor to the west and New Earswick to the east. The green wedge extends northwards from the city centre to beyond the outer ring road and includes Bootham stray. Whilst the quality of the landscape of the green wedge is to a degree compromised by the presence of disparate structures within it (ROKO Health Club, the buildings on the application site and the DM Keith car dealership), the immediate area has a largely open character (the playing pitches of the health centre, the agricultural land of the application site, Melodies golf driving range and the agricultural land on the east side of Wigginton Road). This openness is the predominant and defining characteristic of the immediate area and which contributes to the setting of the historic city of York. The generally open character of the green wedge is particularly important because it is publicly prominent due to Wigginton Road passing through it. In order to protect the effectiveness of the green wedge any development should aim to increase the clarity and openness of the green wedge rather than further erode it.

4.14 The scale of the proposed development is substantial. It would result in a permanent change in the nature of the landscape. Reinforced grass has a very different nature to pasture, grassland or meadow. Much of the proposed grass is unlikely to form a complete sward if it is covered by cars for much of the time, due to lack of light and water. Furthermore, it is essentially a constructed surface, and therefore of a very different physical character to grazed pasture or arable land. If managed at the right height, the proposed hedgerows would screen most of the cars from much of the surrounding road and footpath network and Bootham stray, although it would be less effective during the Winter months. The proposals include a high percentage of native evergreens to reduce the loss of screening in winter.

4.15 The strays and the views of The Minster are key characteristics of York, identified in the 'York Heritage Topic Paper'. The site contributes to the openness associated both with views of the Minster and Bootham stray. The distant view of The Minster from Wigginton Road contributes to the historic setting of the city. Despite the slightly degraded landscape, the existing view is still, fundamentally, fairly typical i.e. a foreground of fields with The Minster in the distance.

4.16 The development retains a degree of openness by way of removing one set of buildings and replacing it with another that would be set further back from Wigginton Road. It also retains a view of York Minster over the tops of the relatively low level cars and hedges. However, the character of the landscape would be permanently changed by way of the extent of hard standing (reinforced grass) and the quantity of permanently present cars, albeit in fluctuating numbers. This impact would be exacerbated with additional lighting along the driveways, security cameras and

signage and fencing at the site entrance. The loss of open natural grassland would be partially counteracted by the additional hedging and trees, which would increase the quantity of landscape features within the site.

4.17 Since submission the layout and landscape proposals have been revised to provide a uniform width of existing 'pasture' alongside Wigginton Road. This would assist in retaining some landscape connectivity between the land to the west of Wigginton Road and Bootham Stray to the east, and lessen the visual impact of the development and its impact on landscape character. Lighting is proposed to be low level to seek to minimise its impact.

## LOCAL ECONOMY

4.18 The NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19). To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century (paragraph 20).

4.19 The application would support an established local business and contribute to the local economy. The business provides a variety of commercial services. All are vehicle-based and all require substantial areas of land for the storage of cars (which are usually parked for several weeks at a time before they are required). Services include:

- Fleet leasing to companies. When the lease term is complete the cars are usually returned to Autohorn and stored until market conditions are right for them to be sold back to the dealerships.
- Short-term car rental. Once the cars have reached their allotted rental mileage they are usually returned to Autohorn and stored until market conditions are right for them to be sold on to the dealerships.
- Long-term car leasing (usually several months or years) to individuals. As with fleet rental, when the lease term is complete the cars are usually returned to Autohorn and stored until market conditions are right for them to be sold back to the dealerships.
- Storage of cars for dealerships which generally have insufficient storage space of their own, particularly during the months either side of car registration dates.

4.20 The various elements of the applicant's business all have a close working relationship with local dealerships, a large number of which are based at Clifton



Moor. The applicant's relocation to a consolidated, fit-for purpose facility at Whitehall Grange would therefore provide significant benefits for the business, the local car dealerships and the local economy in general. The site would also enable the business to continue to grow, as it has since its establishment in the 1990s.

## FLOOD RISK AND DRAINAGE

4.21 The National Planning Policy Framework (NPPF) aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk.

4.22 The development is in low risk Flood Zone 1 and should not suffer from river flooding. At present the site appears to have no formal surface water drainage. The applicant proposes to attenuate the surface water run-off on site and discharge it into a drainage ditch alongside Wigginton Road. The council's flood risk officers are content with the proposals subject to the ditch and related pipework first being cleared of debris and obstructions. The applicant has agreed to clear the ditch at his expense. This should be made a condition of approval.

4.23 At present the site appears to have no formal foul drainage other than septic tanks serving the existing buildings. The applicant intends to negotiate rights to use the foul water infrastructure on adjacent premises.

## HIGHWAY MATTERS

4.24 104 parking spaces would be provided for the 200 staff expected to work at the site. The site would be served by the existing access from Wigginton Road. Security gates would be erected at the entrance, set back far enough to allow car transporters to come to a halt off the public highway.

4.25 This section of Wigginton Road (B1363) is unlit and the traffic speed is unrestricted. The site access is 150m from a footway leading to the outer ring road and 464m away from the nearest footway on Clifton Moorgate. The approach to the site has no dedicated cycle lanes or routes and therefore is unappealing and potentially unsafe for all but the most experienced cyclists. The site is on the route of an infrequent bus service, where bus stops are inaccessible to pedestrians from the site. The verge on Wigginton Road is too narrow to install a suitable footway and successfully leave room to maintain the ditch alongside without land negotiation and/or works to culvert the ditches. The site is 1.5km from the nearest residential estate. This distance coupled with the fact that pedestrians would be expected to walk on the narrow unlit verge for a minimum of 150m would not be an attractive walking route to work or indeed safe.

4.26 The applicant has taken a positive attitude towards sustainable travel by submitting a travel plan with the planning application. However, given the lack of attractive infrastructure for pedestrians, bus users and cyclists, their aspiration that 'less than 50% of the staff will travel by car' is viewed by officers as unrealistic. The applicant has offered to introduce a minibus for a minimum of two years.

4.27 The site is close to the car dealerships at Clifton Moor, which may reduce the amount of movement of goods. Whilst, in pure traffic generation terms, the development does not create capacity issues officers do not consider the site to be reasonably accessible by sustainable means of transport. The council's travel plan officer is of the view that the submitted travel plan would have little material impact on people's mode of travel to/from the site.

## ECOLOGY

4.28 This type of development is unlikely to have significant impacts on the nearest Site of Special Scientific Interest, which is 2.2km from the application site. Amphibian surveys were undertaken in 2015. Great crested newts were found to be breeding in several ponds in low numbers, the closest being about 140m east of the site. There is a residual risk that there could be an impact on great crested newts through site clearance and construction. The applicant's approach to address this residual risk by reasonable avoidance measures is accepted, which should set out in detail the methods of working on site and the action to be taken if any newts were to be found. The buildings on site are assessed as having negligible-low potential to support roosting bats through undertaking a detailed daytime inspection. The outbuildings and farm house are in good condition with few roosting opportunities for bats and no further surveys were recommended. The site is not considered to contain any habitats of high foraging/commuting value for bats, apart from the boundary hedgerows which will be retained and enhanced.

4.29 The proposed grasscrete-type ground reinforcement surface would provide a good opportunity to enhance this for wildlife by sowing it with a native and appropriate wildflower grassland mix. The suggested species for the proposed native hedgerow and hedge tree planting are appropriate. There would be an area of retained pasture land at the front of the site (to Wigginton Road). There is an opportunity to enhance this for wildlife by sowing and managing a native meadow mix followed by low density grazing. It is considered that lighting should be kept to a minimum and be directed away from adjacent habitat to minimise potential impacts on wildlife.

## ARCHAEOLOGY

4.30 This site is located outside of the Central Area of Archaeological Importance but is in an area which contains nationally significant undesignated heritage assets. A desk-based assessment (2015) flagged up the possibility of prehistoric and

Romano-British remains on the site. In addition to this, from the 1930s the site was occupied by a civil, and later military, airfield. A number of structures relating to the airfield are still evident. The airfield contains practice trenches and an aircraft dispersal pen. The pen is of particular importance - other examples in the country are designated heritage assets. The site requires further archaeological investigation in the form of geophysical survey followed by the excavation of trial trenches. The dispersal pen and its adjacent tarmac apron would ideally be retained as part of a landscape feature. The pen would require recording and, be assessed for consideration for designation, both could be secured by conditions of any approval.

## ENVIRONMENTAL IMPACT

4.31 Given the location of the site near to major roads and the proximity of industrial and commercial uses nearby, the general background noise level in the area is likely to mask any noise produced by the development. Noise associated with plant in the new office building is unlikely to result in loss of amenity. Nevertheless, a condition is suggested requiring details of noisy machinery to be submitted for approval. Further conditions would be recommended restricting hours of construction and requiring submission of a construction environmental management plan.

4.32 Lighting during operational hours would be sensor-activated at night time and would be 'dark skies' compliant. A condition could be attached requiring a lighting impact assessment to be submitted for approval.

4.33 The increased number of vehicles in the area is unlikely to have any adverse impact on air quality. Furthermore, Autohorn's relocation would result in a slight reduction in existing vehicle movements within the Leeman Road/Salisbury Terrace Air Quality Management Area AQMA. Nevertheless, in line with the Council's Low Emission Strategy and the NPPF, developers are required to demonstrate that they are making all reasonable efforts to minimise total emissions from development sites. Therefore, a condition would be recommended requiring at least four electric vehicle recharging points, serving four dedicated bays, to be provided on the site.

4.34 The site previously formed part of a military airfield. The submitted geo-environmental appraisal report is acceptable but if contamination were to be found, appropriate remedial action would be required to ensure that the site is safe and suitable for its proposed use. This could be secured by standard contamination conditions attached to planning approval.

## THE PLANNING BALANCE

4.35 The application site is situated within the general extent of the Green Belt. Planning policy dictates that substantial weight should be given to any harm to the

Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.36 The applicant has advanced the following other considerations, which they consider to amount to very special circumstances in respect of the proposal:

- The need for the facility arises from the continued growth of the business and demand from car dealerships on Clifton Moor, which are their major clients;
- No other suitable sites are available;
- The development would provide ongoing economic benefits for the city;
- If planning permission is not granted the likely outcome is that Autohorn would be forced to look for suitable sites outside York, probably Leeds, Selby or Hull;
- The development would provide sustainability benefits compared with the current operations, e.g. car transport movements would be taken out of the city, there would be shorter journeys for collections and deliveries and the site would provide better scope for Autohorn to explore sustainable fuel technologies.

4.37 The business currently operates from two sites, neither of which is particularly suitable for the company's purposes. In particular the York Central site has very poor access (Leeman Road) for car transporters. Operating from two sites and having to transport large numbers of cars on small vehicles or low loaders is inefficient. Furthermore the site is on the other side of the city centre from the company's principal customer base. The current situation provides no long term security for the business and there is no capacity for expansion on the existing sites.

4.38 The council's economic development officers fully support the planning application on the basis that it is fully aligned with the council's economic strategy, which was approved by the Executive in May 2016. The economic case is that consent would support the growth of the city's high value jobs base, it would protect 85 jobs in the city, lead to an additional 75 jobs in the local authority area and contribute over £2m to the city's economy.

4.39 The site at Leeman Road lies within York Central, which is the city's main priority for economic development. The council's aspirations for the site cannot be realised unless and until the existing occupiers have been relocated. Approving the

application at Whitehall Grange to enable Autohorn's relocation would be a significant step towards the facilitation of the redevelopment of the York Central site.

4.40 Property consultants for the applicant have carried out a search for alternative sites that would be suitable for Autohorn's business. The consultants have concluded that the only suitable and available site within the search area (close to or within York outer ring road) was the application site. The council's economic development and forward planning officers are satisfied that the search was appropriate and that no suitable site other than the application site is available.

4.41 These matters in support of the application have to be weighed against the harm to the Green Belt and any other harm.

4.42 The application proposal does not fall within any of the categories of appropriate development in paragraphs 89 or 90. It therefore constitutes inappropriate development for the purposes of paragraph 88 of the Framework and by definition causes harm to the Green Belt. The proposal also causes harm to the Green Belt due to conflict with the purposes of including land in the Green Belt and some impact on openness.

4.43 The proposal would have a detrimental impact on the green wedge and the visual character of the area generally. The scale of the proposed development is substantial and would result in a permanent, not temporary change to the character of the landscape by way of the extent of hard standing (reinforced grass) and the quantity of permanently present cars, albeit in fluctuating numbers.

4.44 The site is in an unsustainable location in that it is not well served by public transport and the characteristics of the site deter travel by sustainable modes of transport. As such the proposed office accommodation would significantly be reliant on the use of the private car.

## **5.0 CONCLUSION**

5.1 On balance, the strong economic case for supporting the applicant's business and for releasing their Leeman Road premises for redevelopment, together with the absence of suitable alternative sites that could accommodate the particular needs of the applicant's business, are compelling reasons in favour of the application. Notwithstanding the substantial weight being given to the identified harm to the Green Belt and the other harm (to the landscape character and to the council's sustainable transport objectives) the economic benefits of the proposal amount to very special circumstances that clearly outweigh that harm and justify planning permission being granted.

## **COMMITTEE TO VISIT**

## 6.0 RECOMMENDATION:

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

(i) Refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990 and paragraph 4(b) of The Town And Country Planning (Consultation) (England) Direction 2009 and, should the application not be called in by the Secretary of State, then

(ii) APPROVE the application subject to the following conditions:

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Fully detailed drawings illustrating all of the following matters shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works and the development shall be carried out in accordance with such details: appearance and landscaping of the approved office building and security gatehouse, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development.

3 The development shall not be carried out otherwise than in complete accordance with approved plans numbered D138.L.102 Revision E

Reason: To achieve an acceptable form of development.

4 The premises shall be used as a car storage facility and for no other purpose, including any other purpose in Class B8 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

5 Vehicular access shall be from Wigginton Road. Within one month of commencement of development details of the design of this access, together with associated sightlines, shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

6 Within one month of commencement of development details of the cycle parking areas, including means of enclosure, shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

7 The use as a car storage facility shall not commence until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the local planning authority. The statement shall include at least the following information;

- a dilapidation survey jointly undertaken with the local highway authority;
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours;
- details of any implications to the highway of demolition and waste removal vehicle operation;
- where contractors will park to avoid affecting the highway;
- where materials will be stored within the site;
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out, throughout the construction period, in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

9 Prior to first occupation a full travel plan, in line with local and national guidelines, shall be submitted to the local planning authority for approval. The development shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved travel plan.

Reason: To ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for those users.

10 The developer shall undertake an annual travel survey of users of the car storage facility. The results of each survey shall be submitted to the local planning authority within three months of the date of the survey. The first annual survey shall be submitted within 12 months of first occupation of the development.

Reason: To ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for those users.

11 The developer shall submit a BREEAM assessment after construction, at a time to be agreed in writing by the Local Planning Authority, and a completion assessment when issued by the BRE. The assessments shall confirm a minimum rating of 'Very Good'.

Reason: To ensure the development complies with the principles of sustainable development

12 The development shall be carried out in accordance with the NPPF Flood Risk Assessment and Drainage Strategy dated 1 December 2015, including the Drainage Strategy Drawing numbered 60310-DR-01, received 13 June 2016.

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

13 No development shall take place until details of the proposed means of foul and surface water drainage, including details of balancing works, off-site works and future management and maintenance, have been submitted to and approved by the Local Planning Authority.

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



The details are required before commencement of development in order to ensure that no construction operations are carried out that may result in conflict with the proper drainage of the site.

14 Prior to commencement of development the surface water ditches and pipework along the western side of the public highway at Wigginton Road shall be cleared of obstructions between the northern boundary of the application site and the junction with the public highway at Clifton Moorgate.

Reason: So that the local planning authority may be satisfied that adequate protection against flooding is achieved. The works are required to be carried out before commencement of development in order to ensure that the site is properly drained throughout the construction period.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: So that the local planning authority may be satisfied that adequate protection against flooding is achieved.

16 Prior to the completion of the approved surface water drainage works surface water from the application site, entering the surface water ditches and pipework along the western side of the public highway at Wigginton Road, shall first pass through a temporary settlement tank to remove sediment and other contaminants from groundwater. Prior to commencement of development details of the temporary drainage measures including the settlement tank shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The details are required before commencement of development in order to ensure that the site is properly drained throughout the construction period.

17 All ecological measures and/or works shall be carried out in accordance with the details contained in 'Section 7 Method Statement' of the Autohorn Great Crested Newt Survey Report dated April - May 2015 by Wold Ecology Ltd as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure the favourable conservation status of a European protected species.

18 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees (including any existing trees that are shown to be retained), shrubs and other plants, means of protection, seeding mix, and sowing rate where applicable. It shall also include details of ground preparation and maintenance. The scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants that, during the lifetime of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

19 Within one month of commencement of development details of street lighting, signage, security cameras and any other external street furniture or ancillary structures shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and the openness of the Green Belt.

20 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to any works of demolition or construction on site.

21 No works of demolition, alteration or removal of fabric shall take place until the applicant has secured the implementation of an agreed programme of analysis/photographic recording of the dispersal pen to EH Level Recording 2 which has been agreed in writing by the local planning authority and the applicant has submitted a report and copies of the survey and record to the local planning authority and these have been agreed in writing by the local planning authority.

Reason: The structures on the site are of archaeological interest and must be recorded prior to demolition/removal

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

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

Reason: To protect the amenity of local residents

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

Monday to Friday	08.00 to 20.00
Saturday	09.00 to 17.00
Not at all on Sundays and Bank Holidays.	

Reason. To protect the amenity of local residents

25 No development shall take place until a full Lighting Impact Assessment undertaken by an independent assessor has been submitted to and been approved in writing by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties and contain the following as a minimum:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units including the access road
- Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the edge of the site boundary.

Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of the building and the lighting maintained in accordance with the specification.

Note: Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting .

Reason: To protect amenity of neighbouring occupiers and the character of the area.

26 Four (4) electric vehicle recharge points, serving four car parking bays, should be installed prior to first occupation of the site. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority. Prior to first occupation of the site, the applicant will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

27 Prior to construction, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,

- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

28 Prior to construction, 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 prepared and is subject to the approval 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.

29 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 shall 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.

30 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment

shall be undertaken and where remediation is necessary a remediation scheme shall be 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 shall 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.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority negotiated changes to the layout of the site and sought further information about surface water drainage and the applicant' use of the site.

#### **2. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

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

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

For dust details should be provided on measures the developer will use to minimise

dust blow off from site. Measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). The plan should also provide detail on the management and control processes. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

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

**Contact details:**

**Author:** Kevin O'Connell Development Management Officer

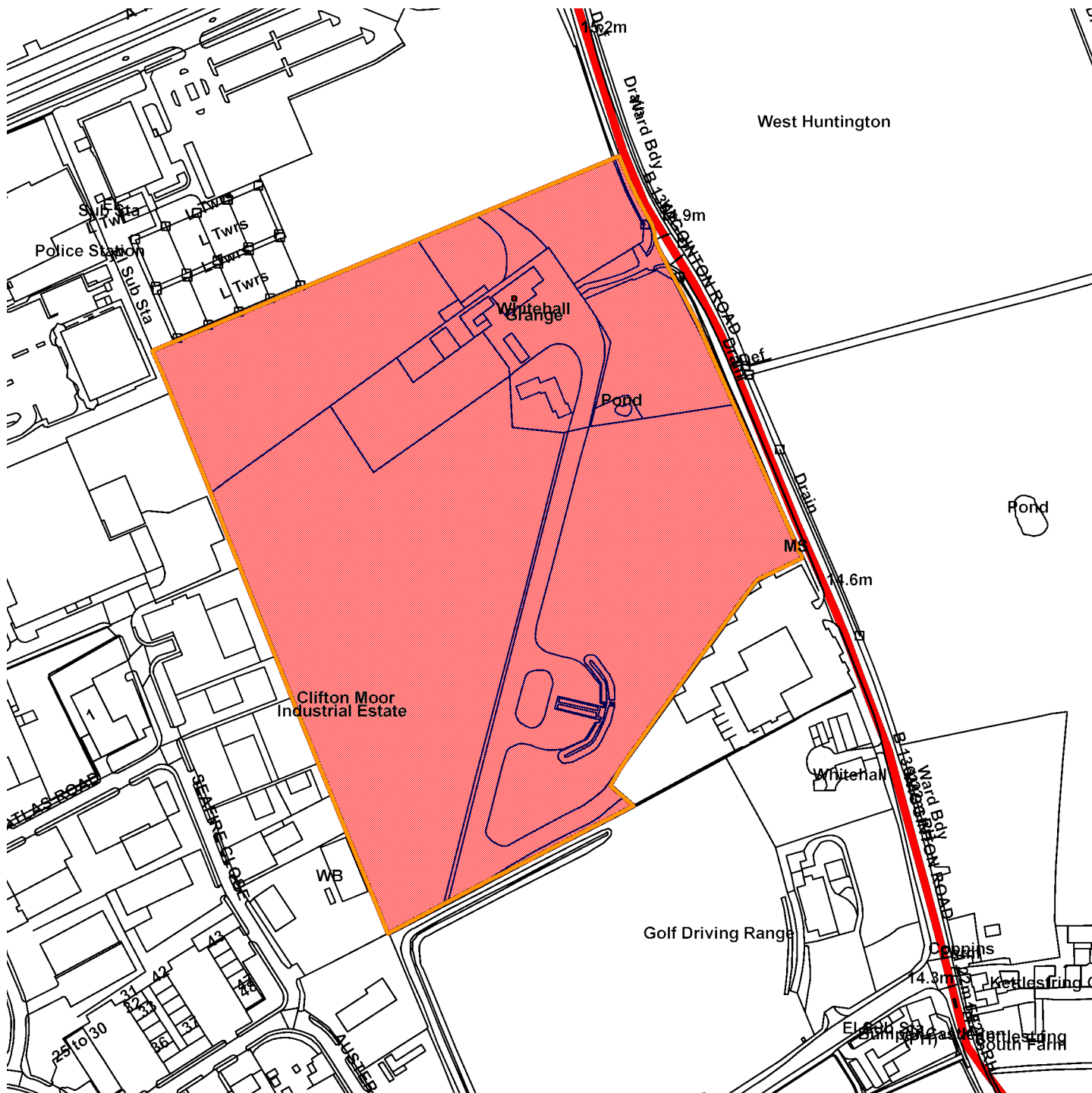
**Tel No:** 01904 552830

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16/01446/OUTM

Whitehall Grange, Wigginton Road



Scale : 1:3424

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	13 March 2017
<b>SLA Number</b>	Not Set

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CYGB3 - Reuse of buildings

CYV5 - Caravan and camping sites

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Public Protection raises no objection to the proposal.

3.2 Strategic Flood Risk Management - was consulted with regard to the proposal on 28th November 2016. Any comments received after publication of the agenda will be reported to Committee.

3.3 Highway Network Management - raises no objection to the proposal as amended.

3.4 Public Rights of Way (PROW) - was consulted with regard to the proposal on 15th December 2016. Any comments received after publication of the agenda will be reported to Committee

3.5 Planning and Environmental Management (Ecology) - raises no objection to the proposal subject to any permission being conditioned to require the control of the type and hours of external illumination.

#### **EXTERNAL:-**

3.6 Wheldrake Parish Council objects to the proposal on the grounds of it being inappropriate development within the Green Belt.

3.7 Yorkshire Water Services Limited was consulted with regard to the proposal on 28th November 2016. Any comments received after publication of the agenda will be reported to Committee.

3.8 One letter of support has been received from a neighbouring camp site operator.

### **4.0 APPRAISAL**

#### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- Impact upon the open character and purposes of designation of the Green Belt.
- Impact of the proposal upon local habitat and biodiversity.

- Impact upon the safety and convenience of highway users on the local highway and public rights of way network.

#### STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN 2005 (4th SET OF CHANGES):-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that any weight is limited except where in accordance with the National Planning Policy Framework.

#### STATUS OF THE EMERGING LOCAL PLAN:-

4.3 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only very limited weight (here relevant and in accordance with the terms of the National Planning Policy Framework). The evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

The NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

#### PLANNING POLICY CONTEXT:-

4.4 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humberside RSS Policies YH9C and YIC as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 provides when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very Special Circumstances" will not exist unless the potential harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Policy GB1 of the (Emerging) Publication Draft Local Plan is also relevant in this respect.

4.5 LOCAL HABITAT AND BIODIVERSITY:- Paragraph 118 of the National Planning Policy Framework indicates that in granting planning permission Local Planning Authorities should ensure that where significant harm resulting from a development can not be avoided adequately mitigated or as a last result

compensated for then planning permission should be withheld. Policy G12 of the (Emerging) Publication Draft Local Plan is also relevant in this respect.

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

4.6 The application site comprises modestly sized paddock lying directly to the west of the farmstead at the furthest extent of the metalled section of Benjy Lane. There are a series of isolated farmsteads together with a livery stable and a nursery strung out along the Lane but not forming a clear settlement pattern as such. The surrounding landscape is gently rolling with a mix of small and medium sized fields with the traditional pattern of field boundaries separated by mature trees and lengths of hedgerow. The farmstead itself is low rise and brick built occupying a modest physically discrete area.

4.7 The proposal envisages the erection of three former corrugated iron grain bins for use as camping lodges within a clearly defined curtilage which is presently agricultural in nature. The grain bins by virtue of the works required to render them capable of occupation including the provision of window and door openings and associated external lighting together with the erection of domestic paraphernalia within the associated curtilage would fundamentally alter the character of the locality and extend the built foot print of the farmstead into open countryside. Paragraphs 89 and 90 of the National Planning Policy Framework outlines a number of types of development both operational and material changes of use which are felt to be appropriate in the Green Belt providing they do not harm its openness and do not conflict with the purposes of including land within Green Belt. Caravan and camp sites per se are not included within this and therefore are by definition harmful to the open character of the Green Belt. The category within paragraph 89 of appropriate buildings for recreational use providing there is no harm to the open character of the Green Belt is not relevant in this case because it may be argued that camping and caravanning is not of itself a recreational activity although recreational activities may take place alongside it. It may also clearly be argued that the relocated grain stores subject to heavy alteration to enable them to be occupied along with the construction of a formalised curtilage with associated paraphernalia would in any case result in severe harm to the open character of the Green Belt.

4.8 The applicant has amended the scale and layout of the proposal to ensure that the prepared curtilage is lesser in extent and the impact upon openness is thereby correspondingly less. The site would also now be accessed via the farmyard rather than from the extension to Benjy Lane which would similarly lessen impact upon openness. However, the proposal would continue to represent the introduction into open countryside of an alien level of noise and disturbance which would be fundamentally harmful to which significant weight should be afforded.

4.9 As the proposal constitutes inappropriate development in the Green Belt the Applicant must demonstrate that other considerations clearly outweigh the harm by reason of inappropriateness together with any other harm in order to amount to "very special circumstances". The submitted application details make no reference to the site being located within the Green Belt and the inappropriate nature of the development. A "snapshot" report of conditions within arable farming over the whole country has however been submitted to evidence a need to diversify the activities taking place at the holding and within the submitted Design and Access Statement viability issues are alluded to with reference to the land only being Grade 3 and therefore of average quality in terms of crop production. It is also indicated that the holding is part tenanted and part owner occupied with the owner occupied section being purchased recently and differences of opinion with the principal landowner over husbandry matters in respect of the tenanted part of the holding.

4.10 The submitted information indicates financial pressures on arable producers in a general sense but it does not amount to a case for "very special circumstances" in respect of the holding itself as would be expected and other potential less harmful avenues are highlighted within arable husbandry. Whilst viability issues are highlighted in respect of the farm no specific detail is given and a less harmful conversion of the existing buildings within the farmstead is specifically ruled out and it is also clear that the decision to invest in purchasing the holding is a recent one. Further information has subsequently been submitted highlighting a concern in terms of the balance of viability between the two elements of the holding and potential difficulties in respect of the inheritance of the tenanted element of the holding. Whilst this is clearly a concern it is not felt to amount to a reasonable case for "very special circumstances" within the requirements of paragraph 88 of the NPPF. The proposal is therefore felt to be by definition harmful to the Green Belt and there are no other considerations that clearly outweigh the harm to the Green Belt. The proposal therefore conflicts with the NPPF Green Belt policies.

#### IMPACT UPON LOCAL HABITAT AND BIODIVERSITY:-

4.11 The application site comprises an area of long established pasture directly to the west of the farmstead bounded by the traditional form of field boundary with a mature hedge in native species incorporating individual mature trees. A detailed habitat survey has been submitted as part of the amended proposal. This shows the presence of a series of ponds within 500 metres which may be suitable for Great Crested Newt habitat. However, the nature of the grazing regime within the application site is such that it is unlikely that it may be used for newt foraging and the quality of the habitat is not such as to justify SINC status. Providing any permission is conditioned to control lighting location and type to safeguard bat foraging habitat then the proposal is felt to be acceptable in ecological terms.

## IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS IN THE LOCALITY:-

4.12 The proposal as submitted envisaged the formation of a vehicular access with associated parking directly from the public bridleway that continues Benjy Lane. The proposal as amended, envisages that the proposal be accessed via the existing farmyard from the adopted section of Benjy Lane. This is now felt to be appropriate in highway terms.

## 5.0 CONCLUSION

5.1. The proposal is seen as necessary by the applicant as a means of farm diversification to offset the impact of declining farm incomes and a report examining trends in arable farming has been submitted in support. Further information has subsequently been submitted indicating concern in respect of the balance of viability between the tenanted and owned elements of the holding and the transferability of the tenanted element of the holding. The scheme has also been amended to lessen its impact upon openness. However it is not felt that the submitted justification amounts to a viable case for "very special circumstances" that would clearly outweigh any harm by reason of inappropriateness and any other harm as required by paragraphs 87 and 88 of the NPPF and that planning permission should be refused

## 6.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt as set out by Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. The proposal by virtue of its design, layout, location and purpose would be by definition inappropriate development within the Green Belt, contrary to paragraphs 79 and 80 of the National Planning Policy Framework and giving rise to very substantial harm to its characteristic openness. No case has been demonstrated that would amount to "very special circumstances" that would clearly outweigh any harm by reason of inappropriateness and any other harm caused by the development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

## 7.0 INFORMATIVES:

### Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the



application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

The preparation and submission of a detailed case for "very special circumstances" that would outweigh any harm by reason of inappropriateness and any other harm.

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

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16/02583/FUL

Brick Farm, Benjy Lane, Wheldrake



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	13 March 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 23 March 2017                      **Ward:** Strensall  
**Team:** Major and                              **Parish:** Earswick Parish Council  
                    Commercial Team

**Reference:** 16/02886/FUL  
**Application at:** Hall Farm Strensall Road York YO32 9SW  
**For:** Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block  
**By:** Mr Andrew Thompson  
**Application Type:** Full Application  
**Target Date:** 24 March 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The proposal is for change of use of the existing pig farm to an equestrian use. About half of the existing buildings will be retained and converted into loose boxes, and associated storage uses. A building will be retained for use as a reception area and another replaced by a similarly sized building and used as a toilet and kitchen block for the proposed touring caravan pitches. These caravan pitches will be situated within the existing built form of the site in an area where the existing buildings will be demolished. Further demolition will allow for construction of a dressage arena, exercise yard and horse walker as well as parking for 24 cars. Landscaping will be introduced around the site.

1.2 The site is within the general extent of the Green Belt. It is accessed off a single track road from Strensall Road which leads down to the farm buildings. These are tightly grouped together and are a selection of buildings and silos. The notable feature is that the buildings are fairly low in height for agricultural buildings. Currently the South of the site is identified by a row of straw bales piled three high but there is otherwise little boundary treatment around the site.

1.3 The character of the area is rural and agricultural and marks a distinct change from the modern housing on the edge of Earswick. The land is very flat with large fields with some hedges on boundaries. The site itself goes down to the River Foss with the areas closest to the river being in Flood Zones 2 and 3.

**2.0 POLICY CONTEXT**

2.1 See Appraisal at section 4.0

## 3.0 CONSULTATIONS

### INTERNAL

#### Public Protection

3.1 No objections. The site has been subject to some complaint regarding alarms and occasional odour and therefore the change of use is likely to result in some improvement in amenity to neighbouring residents. Conditions are recommended in the case of contamination being discovered during construction, to control hours of demolition and construction and for the installation of an EV charging point.

#### Highways network management

3.2 No objections. A new access has been proposed approximately 30m from the existing. This will provide better visibility and is acceptable. It is not considered that the proposed use will result in any material increase in traffic above that of the existing farm use. The site is reasonably sustainable with bus stops on Strensall Road linking the site to the city centre and a footpath on Strensall Road linking the site to local services in Strensall. Conditions are recommended including one to agree details of the access road which can be reduced in width to single track with passing places after an initial two way road.

#### Planning and Environmental Management (Landscape)

3.3 The arrangement of buildings and silos are exposed to views along Strensall Road, but are of a character that is fitting to the rural location and medium-large field pattern. The various buildings/structures create an interesting juxtaposition of functional forms and fabrics. The south east corner of the site is currently partly concealed by stacked, round, straw bales. The proposed landscape mitigation includes the planting of hedgerows along boundaries where there are currently none; the gapping up of existing hedgerows; and the addition of new hedgerow trees, thereby restoring and supplementing existing landscape features that are typical for the area and the local landscape character. The resulting additional vegetation would provide a degree of screening, and would provide an appropriate setting for the development, as well as providing a more attractive draw to the eye than at present. The proposed development would be contained within the confines of the existing building complex. The caravans are the only items within the proposed development that would not be in keeping with the existing character. Nonetheless the number of caravans is limited (in accordance with draft policy), and would be closely associated with the remaining buildings. Thus there is no encroachment into the adjacent fields. Furthermore, there remains a good distance between Strensall Road; and the landscape mitigation would provide some screening/distraction from the caravans. Therefore the change in landscape character threatened by the introduction of 17 caravans is not significant. Topography and distance protects views from the RPOW alongside the opposite bank of the Foss. Conditions recommended.

Planning and Environmental Management (Ecology and Countryside)

3.4 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site however the site the Regional Green Corridor No.3 (The River Foss). The corridor is important for the movement of wildlife into the urban area. A bat survey of the buildings was undertaken and it was established that bats were no longer using the buildings. A condition is recommended to mitigate for loss of bat roosting opportunities.

Flood Risk Management

3.5 No comments received.

EXTERNAL

Foss Internal Drainage Board

3.6 No objection to the principle of the development and conditions are recommended.

Environment Agency

3.7 No objection as the buildings are within Flood Zone 1.

Earswick Parish Council

3.8 No objection to the proposal but enquire what measures will be taken to ensure highway safety on Strensall Road in relation to slow moving traffic and horses.

Publicity and neighbour notification

3.9 The National Farmers' Union have made representation in support of the application citing that the farmer wishes to diversity his business which will allow the family to support the wider economy.

**4.0 APPRAISAL**

4.1 KEY ISSUES:-

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Business need; neighbouring amenity issues; impact on visual amenity and openness.

POLICY CONTEXT

Development Plan

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

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

#### Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Policy V5 refers specifically to caravan sites. The policy reads:

Planning permission for new (or extensions to existing) caravan / camping sites outside defined settlement limits will be granted provided:

- a) the number of pitches does not exceed 20; and
- b) there will be no pitches for static caravans on the site; and
- c) the proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) the site is associated with an existing settlement and of a compatible scale to that settlement; and
- e) the site is readily accessible by public transport; and
- f) there is no adverse effect on the openness of the Green Belt; and
- g) it provides a direct benefit to the local residential workforce; and
- h) the approach roads are of a suitable standard to accommodate caravans; and
- i) there is no adverse effect on the provision of local services; and
- j) the proposal is complimentary to recreational opportunities in the vicinity; and
- k) it provides a direct benefit to the local residential rural community.

#### Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.



## The National Planning Policy Framework (NPPF)

4.5 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

## GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

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

The Green Belt serves 5 purposes:

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

4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 does allow certain types of development including the re-use of buildings provided they are of permanent and substantial construction.

## PRINCIPLE OF THE DEVELOPMENT

### ASSESSMENT OF HARM TO GREEN BELT

4.10 There are three distinct elements to the proposal - the re-use of some of the farm buildings as livery stables; construction of horse exercise areas, toilet block and parking spaces; and the construction of touring caravan pitches.

4.11 Considering these elements in order, the re-use of the farm buildings is considered to comply with Green Belt policy. The NPPF allows for the re-use of buildings provided they are of permanent and substantial construction. Officers do not contest that these buildings are other than permanent in construction and are therefore suitable for re-use. The NPPF (para.89) also allows for appropriate facilities for the provision of outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The stabling is proposed within existing buildings and as such is considered to have little impact on openness. The 5 purposes of including land in the Green Belt are stated in para.4.8 above and, as a result of the conversion of existing buildings, it is again considered that this element of the proposal is acceptable in principle.

4.12 The second element of the scheme is the construction of ancillary horse exercise yards to the south of the site, toilet block and a parking area to the west. The applicant has confirmed that these will be surfaced in rubber chippings with timber fences. No floodlighting is proposed. Again, para.89 of the NPPF is relevant which allows for appropriate facilities for the provision of outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The applicant has confirmed that much of this area of the site is already hard-surfaced and therefore the change of surfacing will have little impact on openness. The toilet block replaces a similarly sized farm building and is therefore considered to have little impact on openness. The parking spaces are within an area that currently comprises a number of small buildings and some hardstanding and are to serve the stables. As the vehicles will be parked for a relatively short length of time as well as being landscaped, it is considered that the impact on openness will be small. The only potential element of this part of the scheme to impact on openness is the addition of fencing but, as this area of the site is already surrounded by tall straw bales, it is unlikely that their replacement with fencing will have any greater impact on openness. It is therefore considered that the proposed dressage arena, exercise yard, toilet block and horse walker are acceptable in principle.

4.13 The final element of the scheme is the touring caravan pitches. As a caravan is not a building, the proposal constitutes a change of use of the land from agricultural use to touring caravan pitches. As the Framework makes no provision for changes in the use of land, as one of the other forms of development specified in paragraph 90, the proposal would therefore amount to inappropriate development in the Green

Belt. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Substantial weight should be attached to the harm arising due to the inappropriate nature of the proposed caravan pitches.

4.14 The caravan pitches are also not considered to contribute to the five purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. While it is appreciated that all proposed development is within the existing development footprint, the site is currently agricultural in its character. It comprises of low level buildings in predominantly dark colours. The introduction of up to 17 caravans and vehicles into the landscape will appear alien and out of keeping with the rural character of the area. While the pitches do not intrude in to the undeveloped fields around the buildings and new landscape planting is proposed it is not considered that this will be sufficient to ensure the caravans are not excessively prominent. The area around the site is flat with large unbroken fields providing clear views of this side of the site from Strensall Road. The addition of the caravan pitches with their associated caravans and vehicles will be a visual intrusion in to the landscape changing the character of an area that is clearly agricultural at present.

4.15 The proposal includes changes to the access point to move it from the existing position South along Strensall Road towards the city centre. This allows for better visibility when exiting the site but results in a larger access road and visibility splay which will impact on openness. The proposed plan shows a two way road for the entire length of the drive which would have a significant impact on openness however highways officers have indicated that this is not required and, after an initial two way stretch, the drive could be narrowed to single track with passing places. These details could be controlled via a planning condition if the scheme were to be approved.

## OTHER CONSIDERATIONS

### VERY SPECIAL CIRCUMSTANCES

4.16 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. The applicant has therefore provided the following statement detailing these very special circumstances:

- The caravan pitches will lie entirely within the footprint of existing buildings. As shown on the attached Site Plan (HF-S-001-2b) the scheme will involve the removal of 23 agricultural buildings, including 2 visually prominent silos. This will result in a 1214m<sup>2</sup> reduction in built up area. The caravan pitches, even when fully occupied, will result in a far greater sense of openness than the existing cluster of run-down agricultural buildings. The proposed scheme will

therefore have a positive impact on the visual qualities of the green belt, which would not be the case if the existing buildings were to be re-used or re-developed.

- The existing pig farm is a source of odour and noise from alarms, which has given rise to a number of complaints as stated in the Public Protection Officer comments. The Officer has confirmed that the change of use would likely have a positive impact on the amenity of the nearby residential properties.
- There are no existing equestrian liveries in the York area which enable horse owners to camp on-site. The proposed scheme will therefore serve to diversify and improve the tourism offer in York. Paragraph 28 of the NPPF supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- The owners are finding it increasingly difficult to maintain a viable business given the competitive market conditions they currently operate in. This change of use will provide continued employment on the site for Mr Thompson and his daughter and will contribute to sustainable economic growth in a rural area as supported in NPPF Paragraph 28.

4.17 It is noted that the caravan pitches are entirely within the existing footprint of the site but this does not alter the fact that the change of use of land within the Green Belt constitutes inappropriate development which is by definition harmful. The impact on the character of the area and the consequent substantial harm identified as a result of this impact has been discussed above. In relation to the visibility and prominence of the caravans in the landscape it should be noted that the text associated with policy V5 of the DCLP suggests that 'The essential screening of sites should consist of already well established tree cover and any new planting should only be necessary to reinforce existing cover.' The very flat and open nature of the site will result in the caravans being highly visible and it would be a number of years before the proposed planting provided any practical screening. The caravans will be seen from Strensall Road with the backdrop of the retained buildings but this gives little of the natural enclosure which would usually be expected when considering new caravan sites.

4.18 It is accepted that there is some small benefit from the loss of the noise and odour disturbance to local residents as a result of the site. This is however given only limited weight as it is not considered unusual to expect animal odours within the countryside and public protection officers have confirmed that this is only an occasional issue.

4.19 No information has been provided to back up the applicant's claim that the business is struggling to remain viable and so this can be given little weight. It is also unclear whether there is any demand for liveries with on-site caravan pitches. It is considered unlikely that the caravan pitches will be used predominantly by people also requiring stabling for their horses and that the most likely scenario is that the equestrian and caravanning elements will run independently. The applicant has stated that they consider it is unlikely that most people would want to stay at a caravan site so close to stables without having a horse there. They have however not provided any evidence of how the two elements of the scheme will work together given that it would be impossible for one vehicle to tow a caravan and a horse box. There is some possibility that should the business operate in the way that is envisaged that there will be significant numbers of additional vehicles and trailers on the site that would be usual with a caravan park.

4.20 The NPPF does support sustainable rural tourism and leisure developments but these should respect the character of the countryside. As stated above, officers would argue that the introduction of touring caravans in to an otherwise agricultural landscape does not respect the character of this part of the city. The NPPF goes on to say that local plans should support the provision and expansion of tourist and visitor facilities where identified needs are not met by existing facilities. The applicant has failed to indicate whether there is any lack of touring caravan pitches in the locality but has relied on the argument that they intend to target a specialist market for equestrian tourism without any evidence to lend weight to their proposals.

## **5.0 CONCLUSION**

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness of the touring caravan pitches and impact on openness as a result of the introduction of touring caravans within an otherwise rural landscape. The applicant has put forward very special circumstances which include the proposal being within the existing development footprint; it is less visually impactful development than the current use; a reduction in noise and smell disturbance to nearby residents; farm diversification and assisting tourism; and retaining a viable business for the owners. Officers do not consider that these very special circumstances provide sufficient justification to outweigh the harm through inappropriateness and other harm identified to the character and visual amenity provided by the rural landscape.

5.3 While there are no other material planning considerations that would warrant refusal of the application, the harm to the Green Belt is considered significant and therefore the development is recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Refuse

1 It is considered that the proposed touring caravan pitches constitute inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it by failing to safeguard the countryside from encroachment. Additional harm has also been identified as a result of the impact of the introduction of touring caravans in to an otherwise rural landscape. The circumstances put forward by the applicant do not clearly outweigh this harm and therefore do not amount to very special circumstances for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

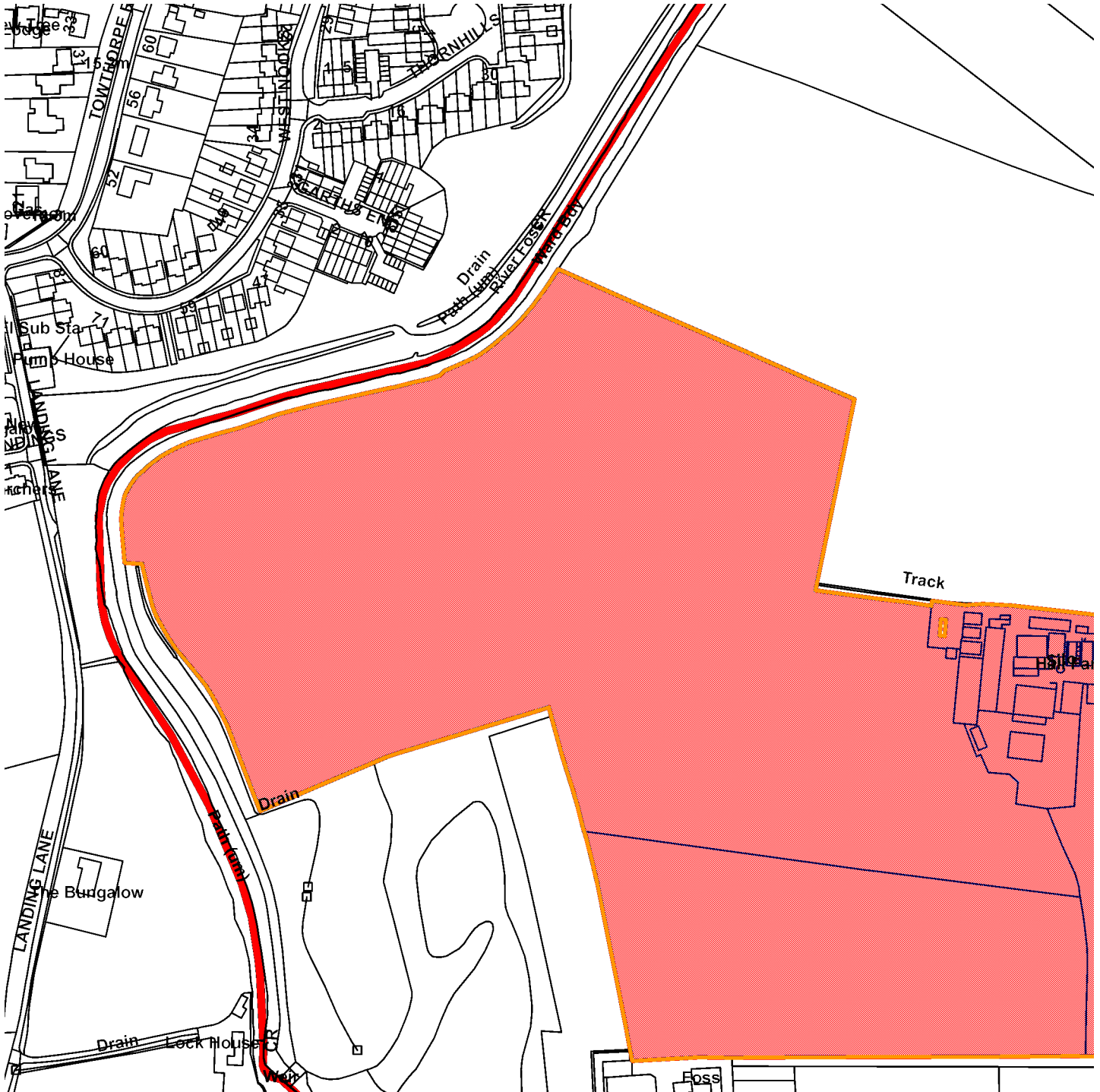
#### **Contact details:**

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**Tel No:** 01904 555730

16/02886/FUL

Hall Farm Strensall Road



Scale : 1:3113

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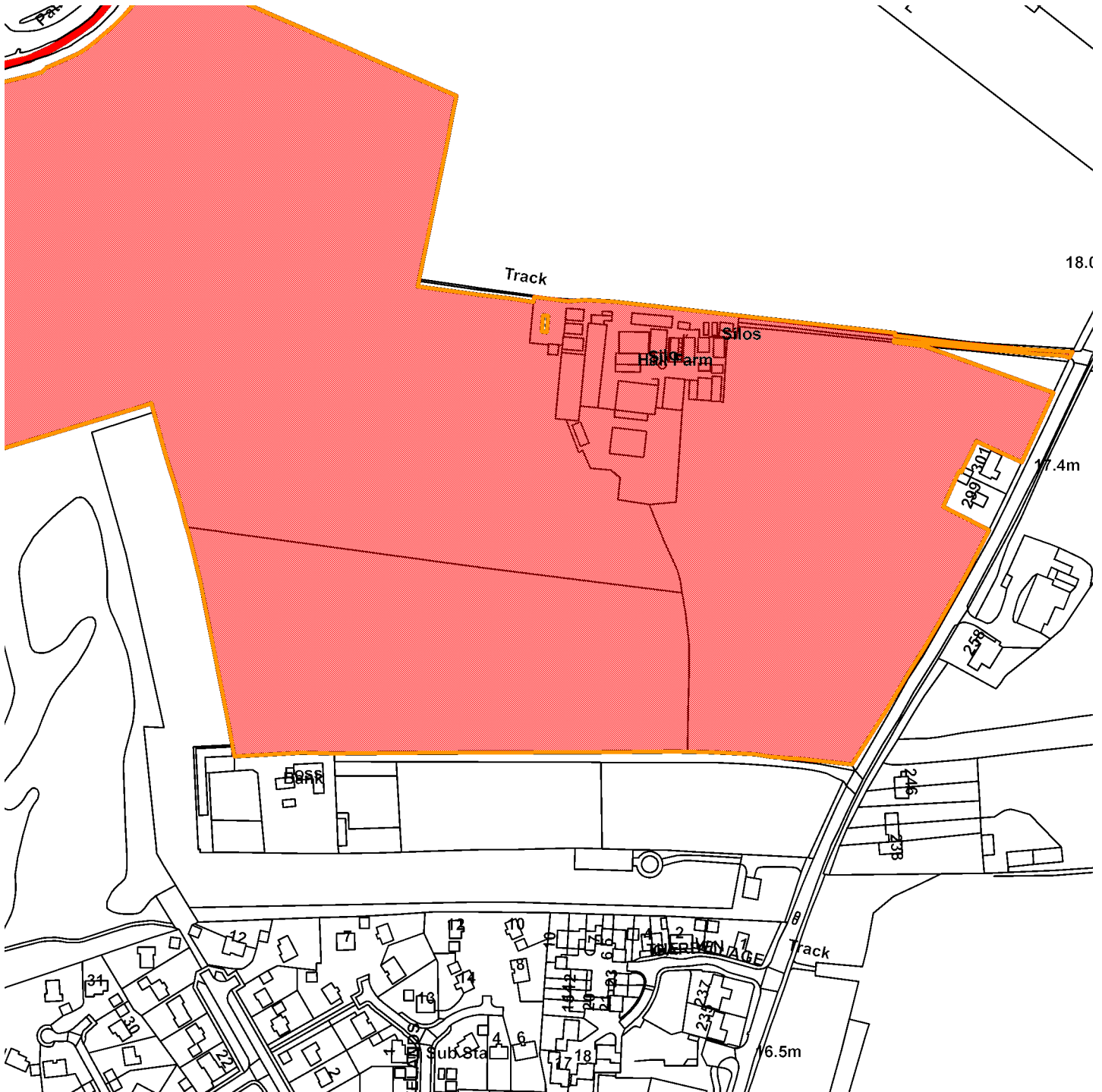
<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	13 March 2017
<b>SLA Number</b>	Not Set

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16/02886/FUL

Hall Farm Strensall Road



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**COMMITTEE REPORT**

**Date:** 23 March 2017      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 16/02801/FULM  
**Application at:** Former Haymarket Car Park Dundas Street York  
**For:** Erection of five storey hotel (use class C1)  
**By:** Vastint Hospitality  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 March 2017  
**Recommendation:** Approve subject to 106 agreement

**1.0 PROPOSAL**

## Application site

1.1 The application site falls within the Hungate area, which was granted outline planning permission for mixed-use re-development in 2006 (planning application 02/03741/OUT). A later application for either offices or a hotel on site was approved concurrently with the application for the Hiscox office next door to the site (application 13/03232/OUTM). The site is presently vacant.

1.2 The proposed building would be L-shaped and wrap around the Black Swan public house car park. It would run parallel to the recently constructed pedestrian and cycle route past the side of the Hiscox office building and be set back from the Stonebow; there would be a public space between the side of the Black Swan building and the Hiscox office. Phase I of the Hungate development is to the south-east of the site, on the opposite side of Black Horse Lane.

1.3 The Black Swan public house is grade II\* listed. The majority of the application site is in Flood Zone 3. The site is in the City Centre Area of Archaeological Importance.

## Proposals

1.4 This is a full planning application for a hotel building. The hotel would have 119 guest rooms and a communal space at ground level which would provide an active frontage to the street. The building would be 5-storey at the SE end, stepping down to 3-storey when facing Stonebow. The building would be primarily clad in buff brick, grey zinc cladding would be a secondary cladding material and a glazed gable end would face Peasholme Green / Stonebow.

1.5 Servicing and drop-off facilities are provided at Back Horse Lane on the SE side of the building.

## Background

1.6 The building height for development on site has been established in previous outline permissions. In the 2004 masterplan there was to be a building on site ranging in height from 4-6 storey and in the 2013 outline permission a 5 storey hotel (up to 29.10 AOD); akin to scale of Hungate phase 1 where 6 storey was approved.

1.7 The site area is just under 0.18 Hectares, below the 0.5 hectare threshold for Schedule 2 Development under the Environmental Impact Assessment (EIA) Regulations 2011. A screening opinion as to whether an EIA is required has not therefore been carried out. However bearing in mind cumulative impact, it is noted that in 2013 the outline application along with the full planning application for the Hiscox office were screened, given that the overall site area exceed 0.5 hectares (reference 13/03151/EIASN). It was concluded that an EIA was not required for these developments. . The current scheme is of lesser impact than the two buildings combined previously screened.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

- Areas of Archaeological Interest: City Centre Area
- Floodzone GMS Constraints: Flood zone 2 & 3
- Listed Buildings: Grade 2 Star; Black Swan Peasholme Green

### Relevant Policies of the Local Plan (2005 Draft):

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE10	Archaeology
CYV3	Criteria for hotels and guest houses

### Relevant Policies of Emerging Local Plan (2014 Draft):

SS4	York City Centre
EC5	Tourism
D2	Placemaking
D7	Archaeology
ENV4	Flood Risk

### 3.0 CONSULTATIONS

#### Strategic Planning (Forward Planning)

3.1 Officers raise no objection to the scheme in principle, which would be consistent with the NPPF and emerging local plan policy.

3.2 The application site falls within the Hungate development site as shown on the Local Plan Proposals Map (2005 draft). It was identified as a mixed use allocation for both office development (B1a) and residential.

3.3 The emerging 2014 Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of planning applications.

3.4 The application site falls within the wider Hungate development site which was included in the Publication Draft Local Plan (2014) as the city centre location for providing 12,000 sq m office floorspace within a mixed use scheme. The evidence base supported the allocation of office space on the site in 2014.

3.5 Some of the 12,000sqm office space has been provided for by the Hiscox development and there was the potential for further offices depending on how outline permission 13/03232/OUTM was implemented. Whilst officers would encourage the Hungate site to provide as much Grade A office space as possible (subject to future demand) it is accepted that the proposed allocation at Hungate for office space in the emerging local plan is now out of date, superseded by the revised masterplan and developer aspirations for the site for a predominately residential led mixed use site. To reflect the current masterplan and planning permissions at Hungate the preferred sites consultation document (2016) proposes the deletion of allocation of further office space at Hungate.

3.6 The NPPF considers tourism related developments such as hotels to be a main town centre use. As a town centre use hotel development plays an important role in supporting the economic well being and vibrancy of York's city centre. Appropriately located accommodation is important. The city centre is a sustainable location which is accessible by a range of transport modes and as such is supported as the primary location for hotels under emerging local plan policy SS4: York City Centre. Accordingly, as a city centre site, hotel development in this location, in principle, is a suitable use.

## Design and Sustainability

3.7 Officers do not object to the scheme overall and advise conditions are necessary to agree the bricks and to ensure the detailed design is good quality.

3.8 The site is between the lower scale historic/medieval streets that terminate on the western side of Peasholme Green (with the exception of the marooned Black Swan left on the eastern side), and newer development to the east including the Hiscox office and taller/larger buildings of the Hungate masterplan either built out or planning-approved.

3.9 The proposal has to satisfy the difficult task of mediating between these two parts of the city. The design approach is a massing that generally sits between the two urban scales and an architectural approach that is generally texturally complex - somewhere between the organic complexity of the older city and the generally more uniform nature of contemporary large scale buildings. In general the proposal satisfies this. Throughout negotiations officers have encouraged this approach to evolve into a cohesive proposal.

3.10 The current proposal has been assessed, in how it accords with good design rather than how it complies with previously agreed parameters, but comparing is a useful starting point when assessing an acceptable upper massing. This is fully explored in applicant plan P11-12a; elevations P14-05a and photomontages P12-10a. In this comparison there are areas of increases and decreases. Overall there appear to be more decreases, although it is noted that the previous outline permission showed a bounding limit not absolute representation of a massing.

3.11 Historic England continue to have concerns over the relationship to the Black Swan (letter 08/03/2017). The applicant observes (Design & Access Statement 8.4) that the Hiscox office is a similar distance from the Black Swan and arguably more prominent in the street scene and this was deemed acceptable. There is logic to this assessment, despite the proposals' closer relation to single storey rear parts of the Black Swan.

### Massing

3.12 In earlier design iterations, the proposed building stepped down twice from its main bulk, creating a principle facade of diminishing height as it approached the Black Swan. This can be argued as having less impact on the Black Swan (and is currently the favoured approach by Historic England), but resulted in compromising the overall design of the proposed building forcing an awkward and imbalanced 'Russian-doll' type design approach. The current proposal steps down once and has a slightly greater separation from the Black Swan compared to the two-stepped version. Officers consider the current version an improvement. Overall the benefits of the more cohesive design that results from this simplification will impact less on

the Black Swan.

### Architectural treatment / Layout

3.13 The geometry of the plan as it turns the corner of the plot and fronts Black Horse Lane is still not ideal as it does not follow the street geometry but this compromise is largely driven by the location of an existing substation and similar sized structures. This aspect is back of house including service delivery, partially screened by a gate.

3.14 The design takes elements from both contemporary and traditional design devices and motifs. Pitched roof forms are clearly visible on the main public approaches and in viewpoints encompassing the Black Swan, whilst towards the rear and back, roof forms are more suppressed. Significant design development has been undertaken to make these different aspects into a cohesive whole, whilst acknowledging that the design deliberately sets up different design responses to different aspects. This balance is largely achieved now and supported here.

3.15 A fully glazed atrium space faces the public square and is in viewpoints encompassing both Hiscox office and the Black Swan (i.e. the main elevation of the proposal). Visually this attempts to relate both to the fully glazed Hiscox office and, through its pitched roof form, to the Black Swan. This is a little odd, although an appropriate design response for this situation is difficult given such differing neighbours. It is supported on the condition of overcoming the following issues:

- Quality of execution has to be very high. Slimness of lines shown in the 3D visual will be hard to achieve. Glazing should be structural; internal structures viewable such as drop down ceiling bulkheads or structural support should be part of the conditioned drawings as all these will be visible.
- Given that the hotel atrium could potentially be lit all hours, internal lighting should be controlled through some means. There are planning risks here as internal lighting is outside of planning control, but we would expect cooperation with the applicant over a very low lighting scheme to the upper parts of the atrium.

### Materials

3.16 Three main types: Zinc (feature walls, wall accents and roofs generally); Brick (walls); dark grey cladding (wall accents) are acceptable. The dominant material is brick. A creamy buff is suggested because it relates tonally more to the Black Swan render panels. This cream brick isn't used elsewhere in the immediate vicinity. Brick of recent Hungate development is largely red/brown. Historic England have suggested render is used, but this could easily look like it is poorly aping the appearance of the Black Swan and this should be avoided. Brick is appropriate but should have more red tones.

### Flood Risk Management Team

3.17 Officers have no objection to the proposed drainage scheme in principle. The surface water run off rate would be 19.4 litres / second, which accords with the approved run off rates when development was previously agreed for this site and the Hiscox office.

### Highway Network Management

3.18 In commenting on the original plans officers requested -

- Adequate cycle parking facilities
- As with the outline permission for the site officers are seeking a contribution to improve the local public realm.

3.19 The scheme will widen the existing public highway between the proposed building and the Hiscox office. Officers are content the width of highway proposed will be adequate for cyclists and pedestrians and consequently the concerns raised by Sustrans representatives; that cyclists will be unduly obstructed and there could be accidents are not valid grounds to oppose the application.

3.20 The travel plan should be updated so it explains how promotion of sustainable travel modes will be communicated to guests and be secured through a condition.

3.21 Servicing will take place from Black Horse Lane to the rear of the proposed hotel. Sufficient turning facilities exist to enable servicing traffic to enter/leave in a forward gear.

3.22 In line with the original outline consent officers have sought a contribution of £18.6k towards public realm/hard landscaping. The contribution will be used towards a wider CYC funded highway improvement scheme. The main aims of the CYC scheme will be to;

- a) seek to improve pedestrian crossing facilities and footway widths at the St Saviourgate/Aldwark junction
- b) realign the existing car parking to the front of St Anthonys Hall to increase the footway width
- c) kerb realignment and/or relocation of the existing outbound bus stop (opposite Kings Pool) to increase the footway width and avoid conflict between pedestrians and bus passengers queuing for/alighting buses.

3.23 These works will be likely to be carried out through the authorities capital programme and will be subject to further appropriate consultation(s) and approvals.



### Public Protection

3.24 Noise- a noise assessment has been provided to show that internal noise levels will meet national standards. A condition is recommended to achieve the proposed measures. A condition is also suggested to reasonably control noise from any plant and machinery.

3.25 Construction management - A draft construction management plan has been submitted with the application but does not sufficiently cover the potential issues arising from constructing a hotel near to existing residential properties and offices. Officers recommend a condition to approve a CEMP. Officers also ask for hours of construction to be limited.

3.26 Deliveries - It is recommended times of deliveries to the hotel be restricted.

3.27 Land contamination – Officers accept the proposed remediation strategy. The strategy confirms that the site will largely be covered by the building and hardstanding, but some areas of soft landscaping are proposed. In soft landscaped areas, a 600mm clean capping layer (underlain by a geotextile marker layer) is proposed to prevent site users from coming into contact with the lead contamination. The report also recommends that protected water pipes are installed as part of the development, and that a concrete class of DS-2/AC-2 is used for buried structures.

### Environment Agency

3.28 The Environment Agency state conditions are necessary to be NPPF compliant with regards flood risk. Conditions are needed to secure safe access/egress, adequate finished floor levels, flood resilient construction and compensatory storage for flood water (to be provided in a void beneath the building, as has been shown in the applicants updated FRA). Also for the development to be allowed, it should pass the sequential and exception tests.

### Guildhall Planning Panel

3.29 Object to the hotel due to its excessive scale and materials. The hotel would overwhelm the Black Swan, one of York's iconic buildings and even the Hiscox building due to its 5-storeys. The materials are also wrong for the area there is nothing about this building that even fits in.

### Historic England

3.30 HE has not objected to the applications but has raised concerns over the design.

3.31 HE considers the glass façade facing Peasholme Green is too tall and sheer in its present form. HE preferred an earlier design shown to them at pre-application which stepped down to 2-storey where the gable faced Peasholme Green. The earlier approach appeared to bring the scale of this part of the hotel down so as to relate more successfully in massing and scale to the adjacent Grade II\* Black Swan Public House.

3.32 Additionally HE perceives a visual clash between the flat glass triangular gable of the proposed hotel and the curved glass treatment of the adjacent Hiscox Building. HE suggest the amount of glass on this face of the building is reduced to avoid this clash and that the introduction of some render into this elevation might be considered to reduce this and in order to create a closer visual link with the Black Swan Public House.

### Yorkshire Water

3.33 No objection provided the development is undertaken in accordance with the strategy as shown on drawing 111123/7001 (revision A). Yorkshire Water accepts surface water may discharge (at the restricted rate proposed) into the sewer.

### Publicity

3.34 A letter in support of the scheme has been received on behalf on Hiscox who occupy the neighbouring office. 17 representations have been received in objection to the scheme. Comments are as follows -

### 3.35 Comments in support

- The setting out of the proposed building and the Hiscox office were given careful consideration to; respect the setting of the Black Swan and create improved public realm and connections which respect the historic layout of the area.
- The choice of materials will respect the setting whilst being modern and innovative.
- The scale is acceptable, bearing in mind parts of phase 1 are 6 storey and 7 storey development is envisaged for the remainder of the Hungate site.

### 3.36 Comments in objection

#### Impact on heritage assets

- Harm to the setting of the Black Swan; the proposed building would be too tall and too close to the Black Swan. The presence of the listed building would be diminished.
- Views of the Minster from the public route through Hungate and from apartments in phase I would be lost.

### Design

- Elevations and roof form lack interest and animation.
- The materials and colours, in particular the dull grey proposed are out of character with the area. The building will detract from visual amenity.
- There is no coherence in the design and palette of materials used for buildings in the area.
- The building is overlarge and too tall. Buildings of this scale are inappropriate; existing examples in the City are mostly disliked and they detract from the historic character of the city.
- Development will create a wind tunnel between it and the Hiscox building and consequent rubbish build up which the council does not have the money to maintain.

### Highway safety

- Sustrans officers have raised concerns that guests and staff coming and going will block the national cycle route that passes the site entrance. This could cause an accident. It was also queried whether there are adequate secure cycle facilities, for staff and guests, especially the latter as the site is on a popular cycle route. There are concerns signage of the cycle route will lose prominence and it is suggested alternatives could be funded by the applicants.
- Undue additional traffic on Black Horse Lane where the service/delivery access is proposed. There will be more cars, coaches and servicing vehicles. It is already hazardous to navigate service vehicles and incorporate all street users along Black Horse Lane and this will be worse if a hotel were introduced.
- Access into phase I could be blocked by unauthorised parking on Black Horse Lane.
- The vehicle access point into the building is unsafe due to the narrowness of the road and proximity to the pedestrian and cycle route. There is inadequate space (2 spaces) to accommodate all the associated delivery traffic and guests coming / going from the hotel.
- The road at the rear of the site is the only vehicle exit from Hungate phase I and is well used by cyclists and pedestrians. It should not be closed to accommodate construction. There were hold-ups when Hiscox offices were built and since then the population has increased; there will be 300 dwellings served by the street when phase 2 is complete.

### Amenity

- Noise impact on phase I residents as a consequence of vehicle movements/deliveries at the rear of the building and from plant and machinery.
- Loss of outlook/view; outlook would be dominated by the proposed building which would be too close and too tall.
- The building would be over-dominant, being of larger scale than phase I
- Overlooking

### Principle

- Contrary to York's 2014 Hotel strategy which seeks to increase the amount of high end (4 star) accommodation and not to flood the market with lower cost accommodation.

## **4.0 APPRAISAL**

### KEY ISSUES

#### 4.1 The main issues for consideration are -

- Whether the proposed land uses are acceptable in principle
- Drainage and flood risk
- Visual impact, including the impact on heritage assets
- Amenity of surrounding occupants
- Highway network management
- Archaeology
- Sustainable design and construction

### WHETHER THE PROPOSED LAND USES ARE ACCEPTABLE IN PRINCIPLE

4.2 The application is within the defined city centre, as designated in the emerging plan. Within the plan, policy SS4 states that York City Centre is identified as a priority area for a range of employment uses and fundamental to delivering the plans economic vision. During the plan period it will be the principal location in the City of York area for the delivery of economic growth in the tourism, leisure and cultural sectors. The policy states that in principle hotel development is acceptable.

4.3 In the Emerging Local Plan the application site sits within the Hungate site. The policy allocation was for a mix of uses on the site, including 12,000 sq. m of office space. Some 6,500 sq m of the office space has been realised as a consequence of the Hiscox development. Officers working on the emerging Local Plan have confirmed it is no longer proposed to retain the office designation, following completion of the Hiscox offices and approval of the revised masterplan for Hungate (15/01709/OUTM) which does not include further office space.

4.4 Emerging Plan Policy EC5: Tourism establishes a preference for hotels to be located within the defined city centre. Outline permission has been granted already for either office or hotel development at the site.

4.5 There is outline planning permission in place for the application site which establishes a hotel use as being acceptable. Hotel development at the site fits with national policy, which identifies hotels as a 'city centre use' and local policies which relate to hotels and the city centre. Considering national and local policy and giving

weight to the presence of outline permission in place for a hotel on site, hotel development is acceptable in principle.

## FLOOD RISK

4.6 Emerging Plan policy ENV4 and NPPF advice on flood risk are consistent that development should be safe for its lifetime and not increase flood risk elsewhere.

4.7 The site is in flood zone 3. The NPPF therefore requires the Sequential & Exception Tests to be passed in order for the development to be allowable. This is because although the site has been designated for re-development in draft versions of the Local Plan, the plan has never been adopted.

### Sequential Test

4.8 The site is within the defined city centre and the Hungate site which is allocated for mixed use re-development in the 2005 draft and the emerging local plans. The local aspiration is to re-develop Hungate in a sustainable way, which includes ensuring developments are reasonably safe from flooding and no increased flood risk elsewhere. This position has been established in previously granted planning permissions, and designations in the 2005 and 2014 drafts of the Local Plan.

4.9 The emerging plan identifies the Hungate site, York Central and Castle Piccadilly (Southern Gateway) as areas within the city centre for re-development. York Central is not yet in a position whereby redevelopment is ready to proceed and the Castle Piccadilly site is also an area at risk from flooding. The sequential test is passed as planning permission exists in outline for use and there are no alternative preferable sites available at this time where this development could otherwise occur.

### Exception test

4.10 To pass the exception test the development must be acceptable in terms of flood risk and also demonstrate wider sustainability benefits that outweigh any harm.

Whether the development would be safe for its lifetime

4.11 The strategy would meet national guidance in the NPPG and local recommendations in the 2013 Strategic Flood Risk Assessment (SFRA) because –

- The ground floor level (FFL) would be approx 1m above 1 in 100 year flood level at 11 AOD which exceed local requirements in the SFRA.
- Access/egress would be provided above the 1 in 100 year flood level (which is 10.01 AOD) as recommended in the NPPG.

4.12 The December 2015 flood event has been considered as part of the proposals. In the flood, water levels reached approx 10.1AOD. During the event this building would have been protected and the access/egress onto Peasholme Green and beyond maintained.

#### Flood risk elsewhere

4.13 The site is partially within flood zone 3. As such re-development of the site could potentially displace floodwater (based on the existing situation now the site has been cleared). To prevent moving flood risk elsewhere compensatory storage will be provided within a void below the proposed hotel. The approach will prevent increased flood risk elsewhere and would be secured via a planning condition.

#### Wider sustainability benefits

4.14 The benefits of the development are the regeneration of a previously developed site and improved public realm. The building would achieve reasonable sustainable design and construction targets. As such, and as there would be no undue flood risk, the proposals pass the exception test.

#### DESIGN / IMPACT ON HERITAGE ASSETS

4.15 National guidance in the NPPG states that well designed places are successful and valued. They exhibit qualities that benefit users and the wider area. Well designed new or changing places should:

- be functional;
- support mixed uses and tenures;
- be lively and include successful public spaces;
- be adaptable and resilient;
- have a distinctive character;
- be attractive; and
- encourage ease of movement.

4.16 The NPPG advises that in consideration of distinctive character consideration needs to be given towards urban grain, building form, style, vernacular, materials, landscaping and wildlife. In deciding whether a development would be attractive the guidance states that composition of elements and the relationship between colours, textures, shapes and patterns are all important, as is the depth of views, particularly across roofscapes or between buildings.

4.17 Local design policies are consistent with national advice. Emerging Local Plan policy D2: Placemaking, in addition to the considerations above requires respect for the city skyline and the dominance of The Minster, the integration of car parking so it is not dominant, active frontages and the creation of buildings that are true to their intended purpose.

4.18 Paragraph 128 of the NPPF says local planning authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. And where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. In this application the applicant has submitted a heritage statement describing the impact on the heritage assets, and a desk based archaeological assessment.

4.19 Paragraph 219 of the NPPF says that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The significance of the relevant heritage assets and the impact of the proposals on them is considered below.

4.20 The application site neighbours the Grade II\* listed Black Swan public house. This building has 15<sup>th</sup> century origins with extensions in the 16<sup>th</sup>, 17<sup>th</sup> and 20<sup>th</sup> century when further restoration took place. It is the only historic building on the south side of Peasholme Green (outside the Central Historic Core Conservation Area). To the rear of it lies the hard surfaced customer car park and utilitarian outbuildings. There are other listed buildings on the opposite side of Peasholme Green, within the Central Historic Core Conservation Area.

4.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

#### Function of the area

4.22 The masterplan for Hungate established the general layout and type of building blocks to be established over the site. The L-shaped plan form proposed, which gives enclosure and overlooks the public route through the site and the surrounding streets is consistent with the masterplan for the area and the 2015 proposals submitted by Hiscox. In this scheme the existing public route would be widened slightly, and in accordance with previous approvals public open space referencing the historic layout, would be created in front of the building. The intent is that the public realm improvements in the area, phase 1 of which were completed in conjunction with the Hiscox development, will be continued and the applicants would

be expected to make a contribution towards these enhancements which would be secured through a S106 agreement.

4.23 The scheme includes an active frontage at ground level, where there would be a cafe/restaurant within the building which would be open to non-guests. Providing this commercial use at ground level is welcomed in the Hungate area and accords with national planning advice to support mixed uses and provide lively public places. Officers anticipate that this use would help to animate and give natural surveillance to the adjoining public spaces.

#### Layout and scale

4.24 The outline consent for the original Hungate development (application 02/03741/OUT which was approved in 2006) had 4 storey buildings behind the Black Swan, stepping up to 6 storey. At the time of the Hiscox applications the position of the buildings was varied, with the public route through the buildings moved slightly to the SW. A 5 storey building was consented (in outline) on the application site.

4.25 The proposed building would be part 3 storey and part 5 storey with a varied roofscape. The scale and setting out of the proposed building compared to the offices to each side and Hungate phase 1 is illustrated in the revised package of plans. At its tallest part the proposed building would exceed the maximum height established in the 2015 outline (by approx 1m); this allows for a pitched, opposed to a flat roof, and the configuration differs at the South-East end where the building is setback from the street, but it extends behind the sub-station. The roof form adds interest to the skyline which is advocated in the Central Historic Core Conservation Area Appraisal. The layout and scale of the building will respect the Hungate streetscape and setting

4.26 The facade would be setback 19.5m (the setback was increased in the revised plans) from the front elevation of the Black Swan, which accords with the previous outline permission, and set behind landscaped public open space. The ridge of the front gable is about level with the glazed facade of the Hiscox office and the buildings would be a comparable distance from the front of the Black Swan.

4.27 The glazed facade was encouraged and had the support of Historic England in the previous application. Their advice was that the *“fully glazed nature of the 3/4 storey facade proposed was the most appropriate architectural solution to developing this challenging site. In association with high quality public realm the setting could be enhanced”*. The glazed facade has also been encouraged by Hiscox who are the current landowners and have subsequently been involved in the design process.



4.28 The glazing would give an active frontage to the building, revealing the communal areas within; it improves the internal space, making it more generous and there would be visual interest from the outside; the glass revealing the buildings zinc and brick walls within.

4.29 The proposed building is of lesser scale than the Hiscox building. There are trees by the entrance to the office block which neighbours the Black Swan which would hide the proposed building and the Hiscox building has a curved facade; revealing views of the Black Swan along Stonebow. The proposed building is intentionally set back behind public open space to ensure that the existing buildings, the listed Black Swan and the Hiscox building remain dominant. The proposed hotel would only be viewed as a backdrop to the existing buildings, and only viewed alongside the Black Swan from the opposite side of Peasholme Green.

4.30 In previous outline permissions there was to be 5-storey development 26m back from the front of the Black Swan. In views from St Saviours Place phase 1 of Hungate is already evident behind the Black Swan. Where the building is taller at the rear, its scale is comparable with the Hiscox building and the neighbouring block at Hungate Phase I. In the revised scheme the rear roof has been reduced in bulk whilst maintaining the chimney which gives interest.

4.31 The taller block behind the Black Swan would be some 55m from its facade. Due to this separation distance there would be a limited effect on existing views from Aldwalk and outside St Anthony's Hall.

4.32 Due to the setback and scale of the proposed building and as landscaping will be introduced there would not be harm to the setting of the listed Black Swan. The impact of this scheme would not vary considerably compared to the outline application for the overall site or the more recent outline permission granted in 2015. The overall impact on the setting of the conservation area to the north and the listed buildings within it would be minimal and acceptable.

#### Materials & vernacular

4.33 A light, buff brick, glass and zinc are the proposed palette of materials to the building. The materials are intended to enable a calm and discreet backdrop to the existing buildings, they will tie in with the brick and glass used on the Hiscox building and the render on the Black Swan and subsequently are acceptable in this particular location.

4.34 The taller elevations have a strong vertical emphasis; the approach agreed for development at Hungate and recognisable in the completed phase 1. The facades will have visual interest, articulated by a mix of deeply recessed windows and projecting oriel windows. The majority of the variation is to the lower levels, letting the top floor be calmer and appear recessive. This language follows the ordered

approach characteristic of the Central Historic Core Conservation Area where buildings diminish in scale by virtue of the proportions and detailing.

4.35 To conclude the design considers and does not significantly deviate from previous permissions at this site, it accords with national design advice and the previously approved master-plan proposals for the Hungate area. There would not be harm to the setting of listed buildings, in particular the Black Swan, and re-development of a vacant site in the manner proposed would benefit the setting, including the adjacent Central Historic Core Conservation Area.

#### AMENITY OF SURROUNDING OCCUPANTS

4.36 The massing for buildings at Hungate was established in the original design statement when outline consent was granted in 2006 (application 02/03741/OUT). The building at the application site was shown as 4 storey behind the Black Swan, stepping up to 6-storey. Phase 1 of Hungate, where facing north-west (NW) towards the King's Pool office site would range from 4 to 6 storey (as built). The building given outline consent at the application site in the later application 13/03232/OUTM was approved with a maximum height of 29.1 AOD; half a storey lower than the maximum height of Hungate phase 1.

4.37 The majority of the NW of Hungate phase 1 looks past the proposed building, towards the office site further north. The proposed building is also set back further from phase 1 compared to previous iterations; it sits behind the sub-station buildings adjacent the site. Where windows in phase 1 would look directly at the proposed building, the separation distance would be at least 20m. The separation distance is double the 10m (approx) phase 1 will be from later phases of the Hungate development along Palmer Street. The relationships can be appreciated on the proposed location plan and aerial views, which show the site as envisaged when fully developed.

4.38 The proposals, in scale and separation distances, sit comfortably with planning permissions for the Hungate site. The proposed hotel would be to the NW of phase 1, as such and due to the proposed setting out of the buildings phase 1 would not be over-dominated and would not suffer an undue loss of light.

4.39 The loss of the view of the Minster from both phase 1 and Palmer Street does not present a basis to refuse the application, with this being a location where further re-development of a certain scale and type was always anticipated. A design code was established for the Hungate area at outline stage and it was not expected that views of the Minster would be retained along Palmer Street. Then intent was that the Minster would emerge in a revealed view along the new route between the Hiscox site and the application site.

4.40 Comparing what has been approved in the Hungate masterplan and the proposed development, there would not be a materially increased adverse impact on the amenity of surrounding occupants with regards over-looking or over-dominance, or loss of light. Those impacts are in any event considered to be acceptable in this context.

4.41 The servicing is proposed on Backhorse Lane. Again within the Hungate design code it was established that this street would be a vehicular street from which the site would be serviced.

4.42 The aspiration for Hungate has always been that it is a vibrant and mixed use area. Consequently a degree of activity associated with commercial uses is to be expected. A condition is proposed to restrict delivery times, consistent with other commercial properties on Hungate. Conditions are also proposed to prevent harm to amenity as a consequence of noise from plant/machinery and from cooking odours.

## HIGHWAY NETWORK MANAGEMENT

4.43 The National Planning Policy Framework advises that developments should:

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

### Access arrangements

4.44 The previous application at the site, along with the Hiscox office, included a scheme to improve the public realm and pedestrian cycle movement across Peasholme Green. A significant element of the scheme was completed under phase 1 of the works, in conjunction with the Hiscox development. It was intended there would be further phases of work in conjunction with development at this site. As per the previous outline permission for the site a contribution is sought towards the improvements.

4.45 The existing pedestrian cycle route running past the Hiscox offices has pinch points where it narrows down to 4m wide (a similar width to Hungate bridge). The route would be widened as a consequence of the development. The pinch points would be widened by around 1m on completion of the hotel building, which would be setback around 2m from the existing site hoarding. This extent of space, considering users respect one another, is adequate to deal with the envisaged pedestrian and cycle movement.

4.46 The design code for Hungate established Black Horse Lane, along with Dundas Street as vehicular accesses which would serve Hungate; different to Palmer Street which was to be pedestrianised. The Stonebow is being narrowed and the intent is Hungate is served from the quieter side streets.

4.47 The hotel option in the previously approved outline application had a car park accessed from Black Horse Lane with approx 20 car parking spaces. This scheme has accessible car parking only. There is a drop off point and a servicing area with adequate turning facilities (as has been demonstrated by the applicants). There would be less vehicle traffic on Black Horse lane compared to the approved outline. The area in question has been envisaged as, and designed to operate as a shared space.

4.48 The revised plans show cycle parking provision. There will be (short stay) spaces within the public realm to the front of the site (double the existing provision of 4 sheffield hoops). For hotel staff and guests within the courtyard (which will have restricted access) there will be covered Sheffield hoops providing 12 spaces. The provision is satisfactory and compliant with locally established standards (2005 Local Plan).

4.49 The measures within the application – no private car parking, provision of cycle spaces and promotion of sustainable travel through the travel plan (the plan would be secured through condition) accord with policy. There is suitable access and servicing provision.

## SUSTAINABLE DESIGN AND CONSTRUCTION

4.50 Due to the international nature of the applicants they have advised us that their standard is to meet LEED standards rather than BREEAM. LEED (Leadership in Energy and Environmental Design) is the American equivalent of BREEAM.

4.51 The applicants have provided information on the two accreditation methods (in their sustainability statement) and officers are satisfied that the Gold standard proposed is reasonably equivalent to BREEAM Very Good, the minimum standard locally required. The proposed LEED Gold standard would be secured through planning condition.

## ARCHAEOLOGY

4.52 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. In accordance with the policy at least 95% of archaeological remains will be preserved, this would be secured through a condition. Based on investigation to date later medieval deposits have been found within the northwest portion of the curtilage of the site. In summary this consists of the substantial remains of what appears to be a Norman (12th Century AD) stone

built building with C13th to C14 additions. In addition to preservation of 95% archaeology, there would be a requirement for a watching brief on groundworks.

## **5.0 CONCLUSION**

5.1 The scheme will regenerate part of the city centre in line with aspirations outlined in the 2005 and emerging draft Local Plans. The proposed use is acceptable in principle. The site is in an area where flood risk is high but the sequential and exceptions tests are passed and the development has been designed to be flood resilient. There would be no harm to heritage assets or their setting, to residential amenity or highway safety.

5.2 Approval, subject a section 106 agreement to secure a contribution of £18,000 towards public realm improvements at Peasholme Green is recommended. At the time of writing the applicants agree in principle to the contribution but have yet to confirm agreement of the amount.

5.3 The contribution would be towards public realm and pedestrian improvements on the opposite side of Peasholme Green, akin to those detailed in phase 2 of the landscaping plans submitted with the previous outline application of the site. In the event that the permission sought under this full application is implemented, the contribution secured through a section 106 required and would be CIL compliant, being directly related to the development (improving access/egress to the site) and reasonable. This would be the second contribution to the overall works for the improvements on Peasholme Green; the Hiscox development made a contribution to the now completed phase 1 work.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve subject to 106 agreement

### **1 Development to commence within 3 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 Approved plans**

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

Package PGY 362

Location / Site plans

P11- 01d, 02e, 03h, 10c

Floor Plans

P11 – 04h, 05e, 06e, 07e, 08e, 09f

Sections

P13 – 01e, 02e

Elevations

P14 – 01e, 02e, 03e, 04e

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

### **3 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: The condition is necessary prior to commencement of development 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.

### **4 Construction Management**

Prior to works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, groundwork and construction phases of the development and include measures to ensure no mud/detritus is dragged out over the adjacent highway. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: The condition is necessary prior to commencement of development to protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

### **5 ARCH2 Watching brief required**

No ground work shall commence on site until the applicant has secured the

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implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

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

## **6 ARCH3 Foundation design required**

No construction shall take place until the applicant has submitted a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, to, and secured the approved in writing of, the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

## **7 Site Drainage**

The development shall be carried out in accordance with the Fairhurst's external drainage strategy (including drawing 111123/7001A). Peak surface water run-off from the proposed development restricted to a maximum 20 lit/sec.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

Informative: Consent should be sought from Yorkshire Water to connect foul and surface water into their sewers.

## **8 Flood risk management**

The development shall be carried out incorporating the proposed flood resilience measures as detailed in the Fairhurst Flood Risk Assessment addendum dated January 2017, in particular the following mitigation measures -

- Provision of flood compensation storage in the form of an open void beneath the ground floor.
- Finished floor levels (apart from car parking areas) shall be set no lower than 10.94m above Ordnance Datum (AOD).

Prior to construction commencing details of the floodwater storage area (which

demonstrate that the development will not result in a loss of volume of flood storage) including details of ongoing maintenance shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF, in particular paragraph 103.

**INFORMATIVE:**

Ground levels under the building are to be amended to compensate for the volume lost and the void will be taken up to the 1 in 100 year flood level (10.01mAOD). The total compensatory volume provided must be no less than that proposed in the Addendum Flood Risk Assessment January 2017 (table 3). There must be no barriers to flood flow and the void must be able to drain freely under gravity.

**9 Materials**

Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to construction of the building envelope. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used 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 building works. The panel(s) 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.

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

Indicative materials were detailed on drawing P12 – 06d

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of the sensitive location.



## **10 Large scale details**

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

- Typical sections of each element of the building, including roof
- Zinc clad areas shown in context
- Rainwater goods
- Chimneys
- Gates/railings/handrails/service access gates all shown in context

Reason: To ensure good design in accordance with paragraph 57 of the NPPF.

## **11 Landscaping**

A detailed hard and soft landscaping scheme shall be approved by the Local Planning Authority prior to completion of construction. The scheme follow the principles detailed on the approved plans including –

- Tree planting in front of the proposed building
- Re-provision of cycle parking
- Any crossings to be made redundant to be made good

The approved scheme shall be implemented within a period of six months of the completion 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 alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with paragraph 58 of the National Planning Policy Framework.

## **12 Land contamination (Verification of Remedial Works)**

Prior to first occupation or use of the development, the proposed remediation scheme

(Fairhurst Remediation Strategy dated July 2016) 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.

### **13 Highway works**

The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the highway to match adjacent levels, and the areas, as shown on the approved plans.

Reason: In the interests of highway safety and management, and visual amenity.

### **14 Cycle Parking**

Prior to occupation of the development hereby approved cycle parking shall be provided in accordance with the approved plans. The facilities shall be retained and made available for use for the lifetime of the development.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

### **15 Travel Plan**

Prior to occupation of the development hereby approved a Full Travel Plan shall be submitted to and approved in writing by the LPA. The travel plan shall be developed and implemented in line with local and national guidelines and the submitted Travel Plan Issue 2 dated 2<sup>nd</sup> March 2017. 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. Yearly travel surveys shall be undertaken thereafter.

Reason: To promote sustainable travel, in accordance with section 4 of the framework, in particular paragraph 36.

### **16 LEED**

The development shall be constructed to a LEED Gold Standard. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a LEED Gold standard a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a Gold standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan.

## **17 Unexpected Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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.

## **18 Deliveries**

Following completion of the development the hours of delivery to and dispatch from the site shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday            08:00 - 18:00  
Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

## **19 Amenity of future occupants**

The building envelope of the hotel shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45dB LA Max (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with 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 use hereby approved is occupied.

Reason: To protect the amenity of future occupants and in the interests of the long-term viability of the building.

## **20 Cooking smells / odour**

There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once

approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition.

## **21 Plant**

Noise from any plant and machinery at the application site shall not exceed the following noise levels, when measured at a distance of 1m from surrounding dwellings -

LA90, 5min 48 dB during the day time (07.00 to 23.00 each day)

LA90, 5min 38 dB at night (23.00 to 07.00 the following day)

Reason: To protect the amenity of the locality.

## **22 Works below ground**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Prior to installation details of any underground storage tanks, chambers / cabling shall be approved in writing by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details.

Reason: To protect the surface water and groundwater receptors in the area from contamination by creating new pathways.

## **7.0 INFORMATIVES:**

### **STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

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

achieve a positive outcome: pre-application advice, negotiation during processing of the planning application and the use of planning conditions.

#### Works in the Highway

Consent is required from the Highway Authority for the works being proposed, under the Highways Act 1980

#### Contact Utilities

As the proposal may have an affect on Statutory Undertakers equipment

#### **Contact details:**

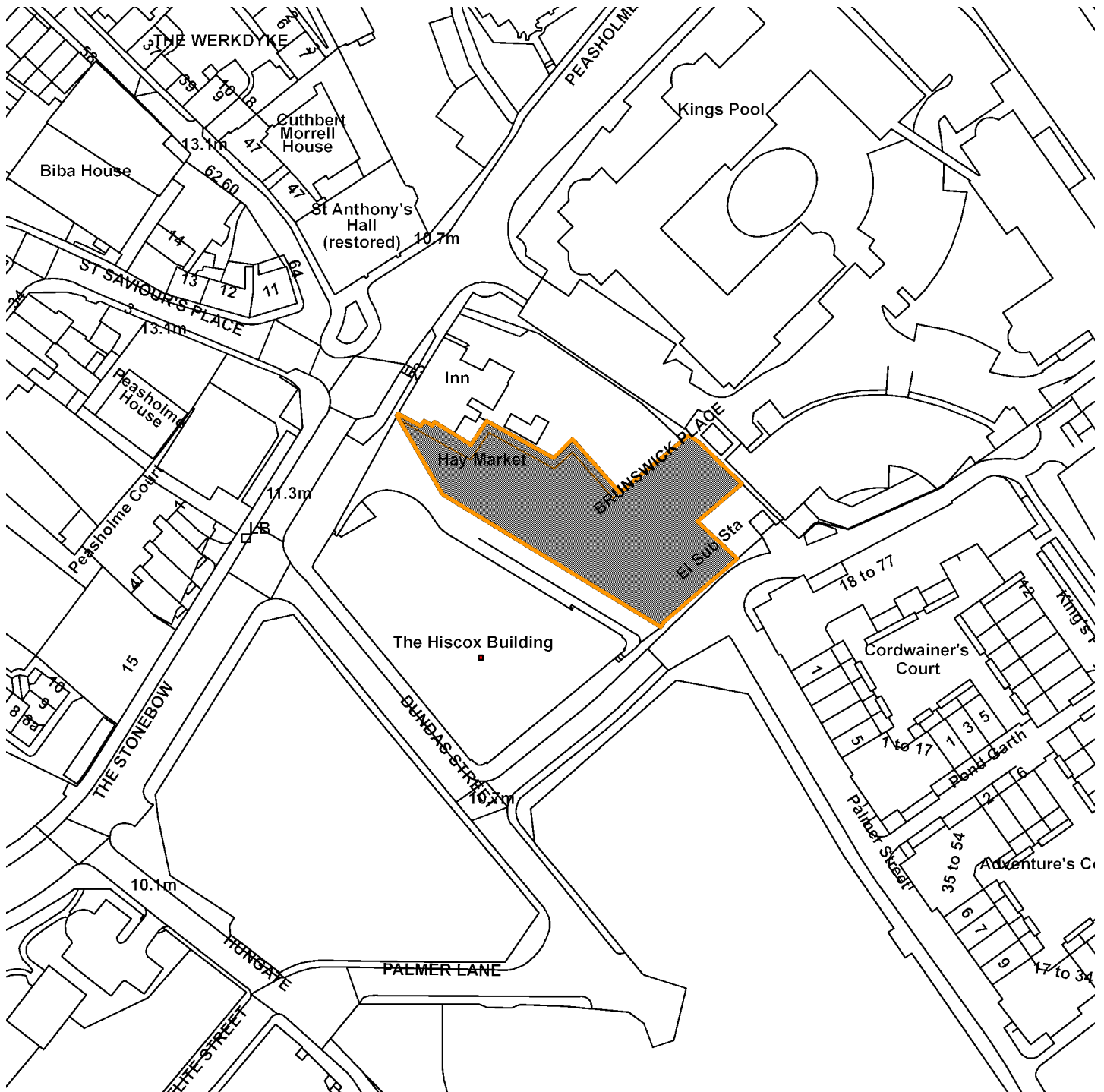
**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

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16/02801/FULM

Former Haymarket Car Park, Dundas Street



Scale : 1:1297

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	13 March 2017
<b>SLA Number</b>	Not Set

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**Planning Committee**

**23 March 2017**

**Area Planning Sub Committee**

**2 March 2017**

## **Appeals Performance and Decision Summaries**

### **Summary**

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

### **Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, the Government will use appeal performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 The tables below include all types of appeals such as those against refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 October to 31 December 2016, Table 2 shows performance for the 12 months 1 January 2016 to 31 December 2016.

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/10/16 to 31/12/16 (Last Quarter)</b>	<b>01/10/15 to 31/12/15 (Corresponding Quarter)</b>
Allowed	1	1
Part Allowed	2	0
Dismissed	10	8
Total Decided	13	9
<b>% Allowed</b>	<b>8%</b>	<b>11%</b>
% Part Allowed	15%	-

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/01/16 to 31/12/16 (Last 12 months)</b>	<b>01/01/15 to 31/12/15 (Corresponding 12 month period)</b>
Allowed	4	9
Part Allowed	3	2
Dismissed	32	32
Total Decided	39	43
<b>% Allowed</b>	<b>10%</b>	<b>21%</b>
% Part Allowed	8%	5%

### Analysis

- 4 Table 1 shows that between 1 October and 31 December 2016, a total of 13 appeals relating to CYC decisions were determined by the Planning Inspectorate. Of those, 1 was allowed and 2 part allowed. At 8% the rate of appeals allowed is below the national annual average of appeals allowed which is around 35%. By comparison, for the same period last year, out of 9 appeals 1 was allowed (11%), 0 were part allowed (0%).
- 5 Two of the appeals allowed between 1 October and 31 December 2016 related to “major” applications; an application for 11 dwellings to the rear of 92-100 The Village Strensall and an application for 6 holiday lodges with associated change of use of land at Crockey Hill Farm Wheldrake Lane. Both were dismissed on grounds of inappropriate development in the Green Belt.
- 6 For the 12 months between 1 January 2016 and 31 December 2016, 10% of appeals decided were allowed, again well below the national average, and below the previous corresponding 12 month period of 21% allowed.

- 7 The summaries of appeals determined between 1 October 2016 and 31 December 2016 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered three appeals were determined following a decision at sub-committee/committee.

**Table 3: Appeals Decided 01/10/2016 to 31/10/2016 following Refusal by Sub-Committee/Committee**

Ref No	Site	Proposal	Officer Recommendation.	Appeal Outcome
15/02353/OUTM	Site between 92-100 The Village Strensall	Erection of 11 houses	Refuse	Dismissed
15/02343/FULM	Crockey Hill Farm Wheldrake Lane	Siting of 6 holiday lodges car park and wildlife pond and change of use from agricultural land	Refuse	Dismissed
16/00396/FUL	2 Hambleton Avenue	Two storey side and single storey rear extension	Approve	Dismissed

- 8 The list of current appeals is attached at Annex B. There are 12 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 9 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.

ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.

iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

### **Consultation**

- 10 This is an information report for Members and therefore no consultation has taken place regarding its content.

### **Council Plan**

- 11 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

### **Implications**

- 12 Financial – There are no financial implications directly arising from the report.
- 13 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 14 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 15 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

- 16 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

### **Recommendation**

- 17 That Members note the content of this report.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

**Contact Details**

**Author:**

Gareth Arnold  
Development Manager,  
Directorate of Economy  
and Place

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director (Planning and Public  
Protection)

**Report  
Approved**



**Date** 13 February  
2017

**Specialist Implications Officer(s)** None.

**Wards Affected:**

**All**  Y

For further information please contact the author of the report.

**Annexes**

**Annex A** – Summaries of Appeals Determined between 1 October and 31 December 2016

**Annex B** – Outstanding Appeals at 16 February 2017

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**Appeal Summaries for Cases Determined 01/10/2016 to 31/12/2016**

**Application No:** 15/02343/FULM  
**Appeal by:** Mr Gary Cooper  
**Proposal:** Siting of 6no. holiday lodges, car park and wildlife pond together with landscaping works following change of use of agricultural land (resubmission)  
**Address:** Crockey Hill Farm Wheldrake Lane Crockey Hill York YO19 4SN  
**Decision Level:** CMV  
**Outcome:** DISMIS

The appeal application related to an open area of agricultural land lying within the general extent of Green Belt, located on the south side of Wheldrake Lane between a disused quarry, a collection of farm buildings and a pair of semi-detached houses. The proposal was to site 6 no. holiday lodges (12m x 6m) around a central created pond with associated parking, access paths and landscaping. The proposal was refused on the basis that it constituted inappropriate development that, by definition, would harm openness of the Green Belt and the purposes of including land within it, and for which no very special circumstances existed that clearly outweighed the identified harm. The Inspector agreed that the site was in Green Belt and that the lodges were inappropriate development. Further, the additional hard surfacing would allow the parking of vehicles, which would fail to preserve openness and would conflict with Green Belt purposes. He concurred that the new pond would preserve openness. He attributed substantial weight to the harm due to significant loss of openness from the six holiday lodges and moderate weight to the harm due to erosion of the rural character and coalescence of development. Whilst he acknowledged that the proposal would improve the range of tourist facilities serving York and encourage the development of land-based rural businesses, the Inspector did not consider that these or other considerations put forward by the applicant (claimed biodiversity improvements, improvement of damaged or derelict land and creation of a community focal point) were sufficient to clearly outweigh the considerable harm identified and the fundamental conflict with the NPPF and draft Local Plan Policy GB1. The appeal was dismissed.

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**Application No:** 15/02353/OUTM  
**Appeal by:** Shirethorn Limited  
**Proposal:** Outline application for erection of 11 no. dwellings including approval of means of access (resubmission)  
**Address:** Site Lying Between 92 And 100 The Village Strensall York

**Decision Level:** CMV

**Outcome:** DISMIS

The site is greenfield land between The Village and the York to Scarborough railway line. Outline planning permission for 11 houses was refused by Sub-Committee in January 2016. The refusal reasons were that the proposal was inappropriate development in the Green Belt, that it had not been demonstrated that the access could safely accommodate the proposed number of houses and that insufficient compensatory habitat was proposed to mitigate the impact on Great Crested Newts. The Inspector concluded that the site should be considered to be within the general extent of the Green Belt and as fulfilling a number of Green Belt purposes. He agreed that the proposal was inappropriate development which would reduce openness. He ascribed substantial weight to this harm. He did not find harm in respect of highway and pedestrian safety or visual amenity and that because of the submission of a unilateral undertaking no detriment to nature conservation would arise. He attached modest weight to unmet housing need and limited weight to the economic and environmental benefits of the scheme. The Inspector concluded that these matters did not outweigh the substantial weight to be attached to the protection of the site and that very special circumstances necessary to justify inappropriate development in the Green Belt had not been identified.

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**Application No:** 15/02535/FUL  
**Appeal by:** Mr R Pulleyn  
**Proposal:** Variation of condition 2 of permitted application 11/03409/FUL to alter plans to include 5 additional no. rooflights  
**Address:** The Coachouse 38 Church Lane Nether Poppleton York YO26 6LB  
**Decision Level:** DEL  
**Outcome:** DISMIS

Greystones Barn or the Coach House 38 Church Lane Nether Poppleton comprises a medium sized brick built Grade II Listed former threshing barn of mid 18th Century date lying in a prominent location within the Nether Poppleton Conservation Area. Planning permission and Listed Building Consent had previously been given for an extensive conversion scheme to transform the building into a dwelling for occupation by the appellant. The eastern street facing elevation of the property had retained its pleasant low key agricultural character with the majority of new intervention taking place within the western inward facing elevation. Consent was initially given for two Conservation style rooflights within the western roof slope. The appellant however came forward with alternative schemes for an additional three or an additional five roof lights within the rear roof slope justified on the grounds of amenity and the lack of visible harm to a key elevation. After some detailed consideration Consent was given for the three light scheme and refused for the five light scheme on the grounds of serious harm to the simple functional agricultural character of the site. The refusal was dually appealed. The Inspector agreed that the additional five lights would give rise to unacceptable harm to the simple agricultural character of the Listed Building notwithstanding their proposed location and duly dismissed the appeal.

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**Application No:** 15/02920/FUL  
**Appeal by:** Mr And Mrs Sean Stick  
**Proposal:** Erection of part two/part single storey side/rear extension following demolition of existing garage and outbuildings  
**Address:** 228 Bishopthorpe Road York YO23 1LG

**Decision Level:** DEL

**Outcome:** DISMIS

228 Bishopthorpe Road is a detached house which lies at the junction with Beresford Terrace. Planning permission was sought for the demolition of an existing garage and outbuildings and erection of a two storey side extension. Consent was refused on the grounds that by virtue of its massing, size, form and design the proposed extension would be an unacceptable addition to the application property and the streetscene. It would not be subservient and would fail to respect or harmonise with the host building or adjacent terraced house. It was considered that it would ultimately create an awkward and incongruous junction between the two properties and have an adverse impact on its surroundings. The Inspector found that the strong use of regular lines and resulting square and rectangular forms would give the extension a contemporary appearance, very different to that of the main dwelling and terrace. Though the extension would be set back from the main forward projecting element of the building frontage, it would be greater in width. The use of timber cladding and blue brickwork would not be characteristic of materials in the wider street scene. The form and appearance would lack subservience to the main dwelling and would visually jar both with it and the adjacent terrace, thereby appearing incongruous with its surroundings and drawing attention to the interruption in visual rhythm along the street scene. In addition, its flat roof design would appear at odds with the hipped roof of the dwelling and the gable end of the adjacent terrace. The appeal was dismissed.

---

**Application No:** 16/00074/LBC  
**Appeal by:** Mr Robert Pulleyn  
**Proposal:** Installation of 5no. roof lights  
**Address:** The Coachouse 38 Church Lane Nether Poppleton York  
YO26 6LB  
**Decision Level:** DEL  
**Outcome:** DISMIS

Greystones Barn or the Coach House 38 Church Lane Nether Poppleton comprises a medium sized brick built Grade II Listed former threshing barn of mid 18th Century date lying in a prominent location within the Nether Poppleton Conservation Area. Planning permission and Listed Building Consent had previously been given for an extensive conversion scheme to transform the building into a dwelling for occupation by the appellant. The eastern street facing elevation of the property had retained its pleasant low key agricultural character with the majority of new intervention taking place within the western inward facing elevation. Consent was initially given for two Conservation style rooflights within the western roof slope. The appellant however came forward with alternative schemes for an additional three or an additional five roof lights within the rear roof slope justified on the grounds of amenity and the lack of visible harm to a key elevation. After some detailed consideration Consent was given for the three light scheme and refused for the five light scheme on the grounds of serious harm to the simple functional agricultural character of the site. The refusal was dually appealed. The Inspector agreed that the additional five lights would give rise to unacceptable harm to the simple agricultural character of the Listed Building notwithstanding their proposed location and duly dismissed the appeal.

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**Application No:** 16/00336/ADV  
**Appeal by:** Jamie's Italian Ltd  
**Proposal:** Display of illuminated and non-illuminated signs  
**Address:** Jamies Italian Restaurant 26 Lendal York YO1 8AA

**Decision Level:** DEL

**Outcome:** PAD

A split decision was issued for an advertisement application for the display of signs at Jamies restaurant off Lendal with consent refused for (1) an archway structure with two planters at the base and a double sided hanging sign at the top, approximately 20 metres from St. Helens Square and (2) a fascia entrance sign. In view of the high number of existing signs, Officers considered that the archway structure would add visual clutter and draw the eye away from the special character of the building and its setting, thereby causing harm to the visual amenity of the area. Due to the simplicity of the design and the framing of the courtyard and listed buildings beyond that the arch would provide, the Inspector did not consider that it would cause clutter or harm to the amenity of the streetscene and allowed this part of the appeal. Consent was also refused for the display of a fascia sign as the size of the lettering, the stand off of the lettering from the back-plate and the means of illumination would not respect the special qualities of the building or its quiet, non commercial setting thereby causing harm to the significance of this heritage asset. Little weight was attached to the justification/public benefit on the basis of the sign being required to attract more business to the restaurant as the sign would not be seen directly from the approach lane. The Inspector agreed that the sheer number and size of the letters, exacerbated by the illumination, would dominate the frontage of the building and adversely affect the character of the host listed building and the character of the conservation area and given the presence of other existing signs, did not consider this to represent a public benefit sufficient to outweigh the harm. This part of the appeal was dismissed.

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**Application No:** 16/00341/LBC  
**Appeal by:** Jamie's Italian Ltd  
**Proposal:** Display of illuminated and non-illuminated signs  
**Address:** Jamies Italian Restaurant 26 Lendal York YO1 8AA

**Decision Level:** DEL  
**Outcome:** PAD

Listed Building Consent was refused for the display of a fascia sign as the size of the lettering, the stand off of the lettering from the back-plate and the means of illumination would not respect the special qualities of the building or its quiet, non commercial setting thereby causing harm to the significance of this heritage asset. Little weight was attached to the justification/public benefit on the basis of the sign being required to attract more business to the restaurant as the sign would not be seen directly from the approach lane. The Inspector agreed that the sheer number and size of the letters, exacerbated by the illumination, would dominate the frontage of the building and adversely affect the character of the host listed building and the character of the conservation area and given the presence of other existing signs, did not consider this to represent a public benefit sufficient to outweigh the harm. The appeal was dismissed.

---

**Application No:** 16/00396/FUL  
**Appeal by:** Mr D Ward  
**Proposal:** Two storey side extension and single storey rear extensions  
**Address:** 2 Hambleton Avenue Osbaldwick York YO10 3PP

**Decision Level:** CMV  
**Outcome:** DISMIS

The appeal related to the refusal at Committee of a first floor side extension and single storey rear extension to a semi detached dwelling in a relatively uniform suburban street in Osbaldwick. The property is in use as a HMO. The officer recommendation was to approve, however it was refused due to harm to the neighbours living conditions and the negative impact that the hard surfacing of the front garden and the erection of a first floor side extension would have on the streetscene. The Inspector dismissed the appeal. He considered that despite the side extension being set down and set back in accordance with the Councils SPD on extensions, the existing spacing between homes in the street was an important characteristic that should be protected and that the extension at the appeal site would be particularly prominent due to the homes location close to the junction with Osbaldwick Lane.

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**Application No:** 16/00641/FUL  
**Appeal by:** Mr Karl Hetherington  
**Proposal:** Two storey side and rear extension and single storey front and rear extensions  
**Address:** 5 Water Lane Dunnington York YO19 5NW

**Decision Level:** DEL

**Outcome:** DISMIS

The application property is a two storey semi - detached house situated on the boundary of the Dunnington Conservation Area. Planning permission was sought for the erection of a two storey side to continue the existing ridge height and width of the principal elevation, flat roof two storey rear extension and flat roof dormer to be constructed on the extended roof slope. The application was subject to two sets of revised plans, the final lowered the ridge height and set the extension back from the principal elevation by 300mm . The two storey rear extension was reduced to a part two storey and part single on the shared boundary. The appeal was made against a failure to give notice within the prescribed Period of a decision on an application for planning permission. The Council recommended refusal of this application on the grounds that the two storey side extension would dominate and unbalance the appearance of the host dwelling and street on the boundary of Conservation area. It was considered that by building close to the shared boundary would erode the natural space between houses which is an important characteristic of the street and it would lead to a terracing effect which would add further harm to the character and appearance of the street. The length of the flat roof two storey rear extension and flat roof dormer would dominate the existing house and unbalance its appearance creating a somewhat jumbled, incoherent design. The Council considered that this additional massing would result in an oppressive, unduly dominant and overbearing impact which would materially harm the amenity and outlook that the occupiers of this adjacent residential properties. The Inspector dismissed the appeal and agreed with Council in so far that the extensions would harm the character and appearance /setting of the CA because of its impact on openness. He did not consider that the proposal would harm the neighbouring dwellings.

---

**Application No:** 16/00912/FUL  
**Appeal by:** Mrs J A Featherstone  
**Proposal:** Erection of 1no. dwelling to rear of 22 Copmanthorpe Lane  
**Address:** 22 Copmanthorpe Lane Bishopthorpe York YO23 2QR

**Decision Level:** DEL

**Outcome:** DISMIS

Planning permission was refused for the erection of a prefabricated, 2 bedroom, bungalow in the narrow rear garden of a Victorian house. The garden ran alongside a quiet private lane in a leafy residential area. The bungalow would have covered most of the width of the narrow plot. Reasons for refusal were (1) cramped and incongruous feature in the street scene (2) impact on village character and (3) impact on neighbouring occupiers. The inspector found that the bungalow would be an incongruous and bulky addition at odds with the character of the area. Also, that the extent and bulk of the dwelling, so close to the boundary, would have a dominant and overbearing impact on the neighbours enjoyment of their garden. The bungalow was to be for a person suffering from disability. The Equality Act 2010 required the inspector to consider the appellants disability in his assessment, though it did not follow that the appeal would necessarily succeed. The inspector gave significant weight to the needs of the appellant in this respect but found that the harm he identified also carried great weight in the balance that he was required to strike. His judgement was that the planning harm and conflict with local and national policy carried the greatest weight. The appeal was dismissed.

---

**Application No:** 16/01054/FUL  
**Appeal by:** Mr Duncan Harper  
**Proposal:** Two storey side and single storey rear extension and bin and cycle store to front (revised scheme)  
**Address:** 33 Woodlands Grove York YO31 1DS

**Decision Level:** DEL

**Outcome:** ALLOW

This application was resubmission of approved application (ref: 16/00156/FUL) for the construction of a two storey side and single storey rear extension. This application sought planning permission to install two detached timber storage sheds to accommodate bin and cycle storage within the front garden in order to provide more ground floor living accommodation. The application was refused on the grounds that the position of the sheds in the front garden would appear incongruous, unduly prominent and uncharacteristic of the area when viewed from the surrounding dwellings and gardens, would be harmful to the street scene and would have the potential to significantly alter the character of these residential front gardens. The Inspector allowed the appeal on the grounds that the proposed storage sheds would be relatively small, narrow and squat, the sheds substantially screened by hedge planting that is present around part of the perimeter of the garden and would also be finished in a recessive green colour. The Inspector agreed that they would appear bulkier, but considered they would not appear incongruous or unacceptably prominent when viewed. He concluded that the units would occupy a relatively small proportion of the garden area and by allowing for contained storage would help to protect the uncluttered appearance of the front of the property.

---

**Application No:** 16/01246/FUL  
**Appeal by:** Mr Edward Barnes  
**Proposal:** Two storey side extension (revised scheme)  
**Address:** 102 Millfield Lane York YO10 3AL

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal relates to the refusal of a two storey side extension to a semi-detached dwelling situated on the corner of Millfield Lane and Waynefleet Grove. The plot is a larger than average corner plot. The extension measured more than half the width of the existing dwelling and would have extended significantly beyond the established building line of properties in the neighbouring Waynefleet Grove, being a much narrower street. The application was refused as the extension would have resulted in a prominent feature that would have appeared overbearing and dominant which would have unbalanced the entrance to the neighbouring narrow cul-de-sac eroding the existing spaciousness. The inspector agreed and the appeal was dismissed.

---



**Application No:** 16/01525/FUL  
**Appeal by:** Mr And Mrs C Bloomfield  
**Proposal:** Two storey side extension  
**Address:** 59 Thirkleby Way Osbaldwick York YO10 3QA

**Decision Level:** DEL

**Outcome:** DISMIS

The application site is a semi- detached dwelling located on the junction of Thirkleby Way and Lyndale Avenue. The property is set back from the public highway and has vehicle access and detached garage leading from Lyndale Avenue. Planning permission was sought for the construction of a two storey side extension for the proposed of creating an additional bedroom and extended ground floor living space. The Council refused the application on the grounds that the proposed extension, by virtue of its height, massing and proximity to Lynwood Grove, would appear as an unduly prominent and incongruous feature which would adversely affect the appearance of the street scene. This would constitute as an over dominant addition, resulting in an incongruous development causing harm to the appearance of the residential area. The Inspector dismissed the appeal and agreed with Council stating that the extension would create a bulky, dominant feature in the street scene, visible from a number of directions.

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Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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## Outstanding appeals

<b>Officer: David Johnson</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
25/01/2017	17/00005/REF	APP/C2741/D/16/3160832	H	4 Heathfield Road York YO10 3AE	Two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear	
08/12/2016	16/00038/REF	APP/C2741/W/16/3161451	W	30 Monkton Road York YO31 9AX	Conversion of existing garage into 1no. self contained residential unit (retrospective)	
<b>Officer: Erik Matthews</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
01/06/2016	16/00024/REF	APP/C2741/S/16/3153524	I	187 Tadcaster Road Dringhouses York YO24	Application under Section 106BA of the Town and Country Planning Act 1990 to discharge the affordable housing requirements set out Section 106 agreement dated 6th October 2003 (as varied) relating to the outline application 02/02754/OUT approve on 6th October 2003 and reserved matters 04/03577/REM approved on 11th November 2005	
07/10/2016	16/00029/REF	APP/C2741/W/16/3158459	W	Land At Grid Reference 469030 444830 Church	Erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link, and the incorporation of a habitat enhancement plan (resubmission)	
<b>Officer: Esther Priestley</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15	
27/11/2015	15/00041/REF	APP/TPO/C2741/4900	H	1 Beaufort Close York YO10 3LS	Various tree works including the felling of 4 no. trees protected by Tree Preservation Order No. CYC15	
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15	

<b>Officer: Elizabeth Potter</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
16/01/2017	17/00002/REF	APP/C2741/D/16/3164716	H	7 Hopgrove Lane North York YO32 9TF	Part two-storey part single-storey side extension and increase in roof height of the main dwelling (revised scheme)
<b>Officer: Heather Fairy</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
20/01/2017	17/00004/REF	APP/C2741/W/17/3166390	W	2 Norfolk Street York YO23 1JY	Erection of 1no. dwelling following demolition of existing garage (resubmission)
<b>Officer: Jonathan Kenyon</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
20/01/2017	17/00006/REF	APP/C2741/W/16/3164982	W	Hilary House St Saviours Place York YO1 7PJ	Roof extension to provide additional apartment
<b>Officer: Kevin O'Connell</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
29/04/2016	16/00013/REF	APP/C2741/W/16/3149489	P	Land To The North Of Avon Drive Huntington York	Erection of 109no. dwellings
<b>Officer: Matthew Parkinson</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
<b>Officer: Paul Edwards</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
15/12/2016	16/00039/REF	APP/C2741/W/16/3165087	W	52 Heslington Road York YO10 5AU	Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4)
<b>Officer: Victoria Bell</b>					<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
05/01/2017	17/00001/REF	APP/C2741/W/16/3165080	W	Poppleton Garden Centre Northfield Lane Upper	Change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. (Part retrospective)

17/01/2017

17/00003/REF

APP/C2741/W/16/3165011

W

20 Cornlands Road York  
YO24 3DU

Erection of 1no. dwelling

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**Total number of appeals: 15**

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