

COMMITTEE REPORT

Date: 27 October 2016 **Ward:** Wheldrake
Team: Major and **Parish:** Naburn Parish Council
Commercial Team

Reference: 16/01558/FUL
Application at: Naburn Marina Naburn Lane Naburn York YO19 4RW
For: Replacement garage/workshop building (revised scheme)
By: Mr P Bleakley
Application Type: Full Application
Target Date: 24 August 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full application for the replacement of two existing combined garage and workshops with a single larger portal framed building at York Marina, Naburn Lane, Naburn.

1.2 The site is located at the northern edge of the village of Naburn, on the east bank of the river Ouse some 3 miles south of York City Centre. The Marina occupies an area of almost 22.5 acres (9.1 Hectares), which includes a mini-harbour with a slip-way, moorings and pontoons, of some 8.6 acres (3.5 Hectares).

1.3 The existing garage workshop has a footprint of 110 sq.m and is 18.3 m long, 6 m wide, stands 5.8 m to the eaves and 7.0 m to the ridge. It is steel framed, with corrugated sheet cladding and in a poor state of repair. The replacement building would have a higher ridge at 7.5 m, and the width increased to 15.2 m, resulting in a footprint of 278.5 m². The building position will also be adjusted slightly to allow for a 1 m wide maintenance gap between the new and existing buildings. The larger floor area is required to accommodate the expanding numbers of boats and river craft which are taking advantage of the Marina facilities.

1.4 The whole of the Naburn Marina site is located within flood zone 2 with areas of lower land located within flood zone 3. The application is supported by a flood risk assessment including a sequential test (to assess if there are sites that could be utilised for the development outside flood zone 3).

1.5 The site is considered to be within the general extent of York Green Belt.

PLANNING HISTORY

1.6 The following applications are considered to be those most relevant to the current proposals:-

- Permission was granted for the redevelopment of the workshops and other permanent buildings and boat storage are for the siting of holiday chalets in March 2004. Officers understand that this permission may still be extant as part of the approved development has been implemented (the access arrangements) (Planning ref: 03/00196/FUL).
- Permission was granted for re-cladding and alterations to existing buildings and internal alterations to provide cafe, shop and workshop facilities at ground floor and offices at first floor together with extensions in April 2007 (Planning ref: 06/02511/FUL).
- Amendments to the above re-cladding scheme incorporating extensions was granted permission in July 2008 (Planning ref: 08/00619/FUL).
- An application was withdrawn for the current replacement workshop proposals and a scheme to site a number of mobile home structures in July 2016 (planning ref: 16/00497/FUL).

2.0 POLICY CONTEXT

Please see section 4 of this report for the relevant planning policy context.

3.0 CONSULTATIONS

INTERNAL

Public Protection - No objections subject to contamination conditions given the previous uses of the site.

Countryside and Ecology Officer - No objections on ecology grounds.

Flood Risk Management – Comments to be reported.

EXTERNAL

Environment Agency - The development will only be acceptable if the measures detailed in the flood risk assessment are implemented. These should be conditioned. The Local Planning Authority should be satisfied that the sequential test has been passed. Emergency planning and rescue implications should be considered. An environmental permit may be needed for the development given the proximity of the site to the River Ouse.

Ouse and Derwent Internal Drainage Board - Surface water details should be provided. The scheme shows that surface water will go to the River Ouse this main river asset is under the control of the Environment Agency. The Ouse and Derwent Drainage Board therefore have no further comments to make.

4.0 APPRAISAL

Key Issues:-

- Green Belt
- Character and appearance of the area
- Ecology
- Flood Risk
- Very Special circumstances

PLANNING POLICY

Regional Spatial Strategy - Development Plan

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). 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 require the inner and the rest of the outer boundaries are defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.2 The site is located within the general extent of the Green Belt on the south side of York.

National Planning Policy Framework

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations, flood risk areas, site protected under the Birds and Habitats directive and Sites of special scientific interest). The presumption in favour of development does not apply to this application, as the site is within the general extent of the York Green Belt and is within Flood Zones 2 and 3.

4.4 The core planning principles in paragraph 17 of the NPPF says planning should support economic growth; among other things protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities and contribute to conserving and enhancing the natural environment.

4.5 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.6 Section 9 of the NPPF says that the essential characteristics of Green Belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81). Paragraph 89 says that the construction of new buildings should be regarded as inappropriate in Green Belt; exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially than the one it replaces.

4.7 Section 10 paragraphs 100 to 108 address flood risk. Paragraph 103 says that local planning authorities when determining applications should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following a sequential test and if necessary an exception test it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning, and it gives priority to the use of sustainable drainage systems.

4.8 Paragraph 109 says that the planning system should contribute to and enhance the natural and local environment and soils by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity. Paragraph 118 seeks to conserve and enhance biodiversity; it says that development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect should not normally be permitted. Paragraph 119 confirms that the presumption in favour of development at Paragraph 14 of the

NPPF does not apply to sites requiring assessment under the Birds or Habitats directives.

4.9 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation

Draft 2005 Local Plan

4.10 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.

4.11 The relevant policies applicable to this application include: GP1: 'Design' which requires that development among other things respects or enhances the local environment; policy GB1 'Development in the Green Belt' and policy NE2 'River Stream corridors, ponds and wetland habitats; GP15a 'Development and Flood Risk' GB 11 'Employment Development outside Settlement Limits'

4.12 Policy GB1 says that planning permission for development will only be granted where development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and development would not prejudice the setting and special character of York. Policy GB11 says that planning permission will only be granted for new industrial and business development outside defined settlement limits in the Green Belt and open countryside were it involves the reuse or adaptation of an existing building or is for a small scale extension to an existing building and it provides a direct benefit to the rural economy and the local residential workforce.

Emerging Local Plan

4.13 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, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However the evidence base underpinning the policies is capable of being a material consideration in the determination of planning applications. The most relevant of the document's policies is policy EC6 which says York's rural economy will be sustained and diversified through the allocation through policy EC1 of suitable sites for employment uses in

villages and supporting appropriate farm and rural diversification activity including office and leisure development (Use Classes B and D).

GREEN BELT

4.14 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the 2005 DCLP and identified as within the Green Belt in the emerging Local Plan.

4.15 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations (note: or in areas at risk of flooding).

4.16 Paragraph 89 regards the construction of new buildings as inappropriate development in the green belt however the replacement of a building to be in the same use and not materially larger than the one it replaces are considered exceptions where new buildings can be supported.

4.17 The existing buildings are located at the southern end of the Marina. These are a cluster of workshop buildings used in connection with the repair and maintenance of boats and other maintenance requirements of the Marina. There are three main buildings; a recently upgraded workshop building; a further workshop building and a Nissan hut. The latter two buildings are in a poor state of repair. The upgraded building is the central of the three structures; the proposal is to remove the other structures either side and erect a single new workshop building. The new workshop will be located on the Naburn Lane side of the existing workshop and will be 1 metre from it. The footprint of the existing structures is 110 sq.m (existing workshop), 90sq.m (Nissen hut) and 31 sq.m (ancillary store). The new structure will have a footprint of 278.5 square metres, an overall increase of 47.5 sq.m. Additionally the new building will be 0.5 of a metre higher than the existing workshop building and 3.5 metres higher than the Nissan hut.

4.18 Paragraph 89 says in relation to replacement buildings that these should not be materially larger in order to be appropriate in the Green Belt. The footprint of the new structure although similar to the overall footprint of the existing structures will be replaced as a single, higher building. The overall volume of the new building will be substantially greater than the building it replaces. Officers conclude that the additional volume of the building, the amalgamation of the footprint to a single building and its siting towards the Naburn Lane side of the site results in a building that will be materially larger than the buildings it replaces and as such it is considered that the building constitutes inappropriate development in the Green Belt, and does not fall within the exception within paragraph 89. Paragraph 87 of the

NPPF establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

OPENNESS AND PURPOSES OF GREEN BELT

4.19 Paragraph 79 of the NPPF says that the essential characteristics of Green Belt are their openness and permanence. The amalgamation of the volume of the existing buildings into a single structure and additional height of the building will increase its visibility. This will have a small impact on the openness of the Green Belt.

4.20 Paragraph 80 of the NPPF sets out the purposes of Green Belt; these include, amongst others, to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration. As the site is an existing developed site with a well defined boundary it is not considered that the proposed development will undermine any of the purposes of Green Belt.

4.21 In summary, the proposal, for the reason set out above, would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a loss of openness.

OTHER CONSIDERATIONS

CHARACTER AND APPEARANCE OF THE AREA

4.22 The Marina site is well established, its boundaries are well defined and there are a variety of uses and buildings within its perimeter. The area of the existing workshop buildings is set within an area also used for the storage of boats and where other office and mixed office/ shop and cafe uses are taking place. Much of the area is hardsurfaced and there is car parking to the north of the site. The front boundary is relatively well screened although the pedestrian entrance within the eastern boundary adjacent to the proposed building affords some views of the site from Naburn Lane. In the particular site context Officers are satisfied that the replacement building can be accommodated without detriment to the Site's character and appearance and are therefore satisfied that the scheme would comply with the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside and GP1 of the 2005 DCLP which similarly expects proposals to respect or enhance the local environment.

ECOLOGY

4.23 The nearest statutory site of nature conservation interest is Church Ings Site of Special Scientific Interest (SSSI) approx. 280m south-west. Church Ings SSSI is designated for the unimproved flood meadows which occur here. The nature conservation interest is dependent upon the maintenance of a high water-table and on management by mowing for hay followed by aftermath grazing. It is not considered that the proposed development will impact on this SSSI.

4.24 The River Ouse is designated locally as a candidate Site of Importance for Nature Conservation (cSINC), as is a flood meadow (also known as Church Ings) on the opposite bank from the application site. Church Ings cSINC is not connected to the development site and therefore the habitat on site is unlikely to be impacted.

4.25 The River Ouse is designated as a cSINC because of the presence of migratory fish, protected species otter and kingfisher, and Local Biodiversity Action Plan species tansy beetle. The development has potential to temporarily impact these species from disturbance and pollution during construction.

4.26 Potential construction impacts on the River Ouse should be controlled through following best practice working methods and use of a Construction Environmental Management Plan. There are no objections to the development on ecology grounds and no harm attributable to the planning balance subject to conditions.

FLOOD RISK

4.27 The site is located within Flood Zone 3a. The existing and proposed use of the site is a 'less vulnerable' use according to the NPPF. Paragraph 103 of the NPPF says that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

4.28 The proposed development requires a sequential test as it is marginally above the minor development limit of 250 square metres set out in the NPPG. The applicant has submitted a sequential assessment as part of his design and access

statement. The applicant says that 'relocation of the building to an area less likely to flood has been considered but found to be of no advantage. The existing location has been found to be convenient and suitable despite a small amount of flooding occurring at extreme flood conditions. The equipment and materials stored within the building is flood resilient and any other vulnerable equipment is either stored in other locations or relocated during the early stages of a confirmed flood event. The Marina constantly monitors the River level for both its own safety and to be able to provide prompt and accurate warning to boat users and campers within the site. Flood procedures and instructions are already in place. The location and orientation of the existing and proposed building allows good access by large vehicles from the main boatyard service area, without restricting the route to the partially concealed external storage area behind. Access to the riverbanks to the southern and south western boundaries of the site is also good and will not be compromised by the proposals. Public access to the southern end of the site is restricted for security and health and safety reasons and allows the applicant to group all the service and maintenance buildings in a secure and appropriate location, with a central turning area ideal for large articulated delivery vehicles.' The NPPG advises that when applying the sequential test, a pragmatic approach to the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. Given the particular site circumstances and the nature of the operation Officers are satisfied that the proposal pass the sequential test.

4.29 In accordance with advice in the NPPG the exception test does not need to be applied to the scheme, as it is within Zone 3a and is classed as "less vulnerable" (Table 3 para 067 NPPG).

4.30 The Environment Agency is satisfied with the details of the flood risk assessment subject to a condition to ensure appropriate flood resilience measures in the design of the building as proposed within the Flood Risk Assessment.

4.31 The details of drainage are included in the application and include surface water attenuation. The comments of Flood Risk Management are awaited on the submitted details, and subject to his views, it is anticipated that detailed design solutions are possible and so can be secured by condition. It is considered likely that no harm could be attributed to drainage issues in the planning balance subject to conditions.

VERY SPECIAL CIRCUMSTANCES

4.32 The applicant has put the following forward as 'very special circumstances':

- Although the site is washed over by Green Belt the site is Brownfield having been previously developed with a variety of existing buildings
- The Marina has become a feature of the village and the impact on the surroundings and the openness of the riverbank is long established and accepted.
- The development is appropriate within the site and its current use class
- The continuing improvement of the facilities and rising visitor numbers will maintain and improve employment prospects at the Marina.
- The Marina site sits comfortably with the thrust of the NPPF in promoting a strong rural economy and improving access to sport and recreation facilities.
- The Marina is a centre for both boat sales and all aspects of chandlery and boat maintenance as such it is ideal to generate and contribute to the promotion of York's regional economy.
- The Marina is perhaps the regions best access route to the local waterways and canals and aims to promote the river as a form of transport
- The Marina organises York Flotilla Day and also assists the emergency services to launch their river craft when needed.
- The Marina promotes good practice and safe sailing aiming to encourage users to respect, preserve and improve the waterfront environment.
- The location of the Marina promotes the use of the Nearby Park and ride scheme and adjacent cycle paths.

Assessment of Very Special Circumstances

4.33 The NPPF says that there are three dimensions to sustainable development economic, social and environmental. An economic role in contributing to building a strong, responsive and competitive economy by ensuring that sufficient land is available to support growth and innovation; a social role in supporting vibrant and health communities and an environmental role in contributing to protecting and enhancing the environment. One of the core principles is to seek to proactively drive and support sustainable economic development including in rural locations another is to plan positively to enhance the beneficial use of the Green Belt. This site is an established Marina and has been invested in following permission for extensions to the cafe and shop. The site has an important role in the local community providing jobs and services to the local community, as well as a facility of some regional significance. Officers accept that such sites will need to grow and adapt. The proposed building is being provided within the established confines of the business, it does not necessitate additional access or ancillary facilities these are already within the site. The building is considered to conform to a very important element of Government's policy which is to diversify and grow the rural economy and this is reflected in planning policy.

4.34 In officers' opinion the very special circumstances put forward by the applicant are sufficient other considerations to clearly outweigh the definitional harm and any other harm (impact on openness) identified in this report.

5.0 CONCLUSION

5.1 Given the particular site circumstances and the nature of the operation, officers are satisfied that the proposal passes the sequential test. Subject to a condition to ensure appropriate flood resilience measures in the design of the building as proposed within the Flood Risk Assessment, the development is considered to be acceptable with regard to its location within flood zone 3a.

5.2 The site is located within the general extent of the Green Belt on the south side of York.

5.3 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

5.4 It is considered that the other considerations put forward by the applicant together with the mitigation of other harm through the imposition of appropriate planning conditions clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm (impact on openness), and thereby amount to very special circumstances to allow the inappropriate development in the York Green Belt even when substantial weight is given to such harm.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. NAB-104-05-01 revision B

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 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 and including car parking and material storage areas 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 ensure that the ecological value of the River Ouse is protected during the construction phase of the development.

5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by PDP, dated 24 June 2016 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off to 3l/s.
2. The works are to be completed in accordance with the FRA - retention of existing floor level, flood resilient design.
3. The building is to be built such that it allows the flow of flood water into/out of the building.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site, to reduce the impact of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that future flood flows are not displaced.

6 2. No construction works shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

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

7 Investigation of Land Contamination

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

8 Submission of a Remediation Scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health,

buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

9 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must 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.

10 Reporting of Previously Unidentified Contamination

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

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

7.0 INFORMATIVES:

Notes to Applicant

1. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 for any proposed works or structures, in, under, over or within eight metres (sixteen metres where tidal) of the top of the bank of the River Ouse which is designated as a 'main river'. This was formerly called a flood defence consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

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:

- Requirement for sequential assessment in relation to flood risk

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