



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, 18 August 2016
- Time:** 4.30pm
- Venue:** The George Hudson Board Room - 1st Floor,
West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the site visits will depart from Memorial Gardens at 10:00am on Tuesday 16 August 2016

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**

To approve and sign the minutes of the meeting of the Planning Committee held on 14 July 2016.

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 17 August 2016**. 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

4. Plans List

This item invites Members to determine the following planning applications:

a) Coal Yard, 11 Mansfield Street, York, YO31 7US (15/01571/FULM) (Pages 3 - 30)

Erection of four storey block for student accommodation (84 units) following demolition of existing building.[Site Visit] [Guildhall Ward]

b) NFU Mutual Ins. Society Ltd, Zenith House, Clifton Park Avenue, York, YO30 5PB (16/00957/FUL) (Pages 31 - 48)

Formation of additional car parking spaces with associated lighting and security fence to north boundary.
[Site Visit] [Rawcliffe and Clifton Without Ward]

**c) Herbert Todd and Son, Percy's Lane, York, YO1 9TP
(16/01263/FULM) (Pages 49 - 76)**

Erection of 2no. student accommodation blocks, part 3-storey, part 4 storey, comprising of 106no. units following demolition of existing buildings. [Site Visit] [Guildhall Ward]

5. Appeals Performance and Decision Summaries (Pages 77 - 94)

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 April and 30 June 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

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

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

- Telephone – (01904) 551031
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catherine.clarke@york.gov.uk

(When emailing please send to both email addresses)

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 16 AUGUST 2016

Time	Site	Item
10.00	Minibus leaves Memorial Gardens	
10:15	Zenith House, Clifton Park Avenue	4b
10:45	11 Mansfield Street	4a
11:05	Hebert Todd and Son, Percy's Lane	4c

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	14 July 2016
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre(for plans items 4a, b & c only (minutes 13-15 refer), Boyce, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Richardson, Warters and Cannon (as a Substitute for Cllr Shepherd)
Apologies	Councillors Dew, Shepherd and Looker

8. Site Visits

Application	Reason	In Attendance
Red Lodge, Haxby Road	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cannon, Cullwick, Cuthbertson, Galvin and Reid.
Folk Hall, Haxby Road, New Earswick	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cannon, Cullwick, Cuthbertson, Galvin and Reid.
Sports Ground, White Rose Avenue, New Earswick	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cannon, Cullwick, Cuthbertson, Galvin and Reid.
Askham Bryan College	To familiarise members with the site in this Green Belt location.	Cllrs Boyce, Cannon, Cullwick, Cuthbertson, Galvin and Reid.
Land at Grid Ref 469030 444830, Church Lane, Wheldake	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cannon and Reid.

9. Declarations of Interest

At this point in the meeting, members were asked to declare any personal, prejudicial or pecuniary interests they might have in the business on the agenda.

Councillor Boyce declared a personal non prejudicial interest in the plans items relating to New Earswick (4a Sports Ground, White Rose Avenue, 4b Red Lodge, Haxby Road and 4c The Folk Hall, Haxby Road) as a resident of a Joseph Rowntree property.

Cllr Cullwick declared a personal non prejudicial interest in plans item 4a (Sports Ground, White Rose Avenue), 4b (Red Lodge, Haxby Road) and 4c (The Folk Hall, Haxby Road) as, along with his fellow ward councillors, he had raised a number of concerns about the original application which had been dealt with subsequently. He advised Members that he had taken advice on this and was confident he could approach the debate with an open mind.

Cllr Cuthbertson declared a personal non prejudicial interest in plans item 4b (Red Lodge, Haxby Road) as his wife was one of the councillors who had objected to this application in her own capacity.

Cllr Galvin declared a personal non prejudicial interest in plans item 4f (Askham Bryan College, Askham Fields Lane, Askham Bryan) as he hired the sports hall from the college four times each year.

Cllr Richardson declared a personal interest in plans item 4d (Land at Grid Reference 469030 444830, Church Lane, Wheldrake) as he knew the applicant.

10. Minutes

Resolved: That the minutes of the meetings held on 12 May and 8 June 2016 be approved as correct records and then signed by the chair.

11. Public Participation

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

12. Plans List

Members considered the following reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

The applications were considered in the following order:

1. 4b) Red Lodge, Haxby Road, York (15/00758/FULM)
2. 4d) The Folk Hall, Haxby Road, New Earswick, York (15/00865/LBC)
3. 4a) Sports Ground, White Rose Avenue, New Earswick, York (15/02446/FUL)
4. 4g) Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (16/01095/FUL)
5. 4e) Land At Grid Reference 469030 444830, Church Lane, Wheldrake (16/00952/FUL)
6. 4f) Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF(16/01251/FUL)

13. Sports Ground, White Rose Avenue, New Earswick, York (15/02446/FUL)

Members considered a full application by the Joseph Rowntree Housing Trust for the construction of two all-weather tennis courts and an all-weather multi-use sports court with associated perimeter fencing and ten 8 metre floodlight columns.

Mr Andrew Calverley, a local resident, addressed the committee. He stated that New Earswick had been influenced by the garden city movement with everything, from living spaces to garden spaces and had been very carefully planned. He expressed his objections to where the building would take place, in one of the main central parts of the village, which he felt

would lead to a permanent and detrimental change to the environment of the village. ¹

Ms Kathryn Jukes, Planning Consultant for Joseph Rowntree Housing Trust, addressed the committee in support of the application. She explained that the proposals would compensate for the loss of the tennis courts in the centre of the village on the Red Lodge application site. The new tennis courts would utilise an area of the New Earswick Sports Club which was currently overgrown and under utilised therefore they wouldn't be any loss of existing sports facilities currently at the sports club. She advised that they had worked with planning officers to satisfy a number of different parties' requirements and the proposed scheme was the culmination of discussions and collaborative working. She advised that the relocation of the tennis courts to the new location would facilitate the redevelopment of the Red Lodge Care Home site in the centre of the village. Furthermore the presence of the tennis club on the same site should help New Earswick Sports Club to secure funding as part of an ongoing programme to extend and update facilities at the sports club.

Members felt that there was sufficient space for the construction of the tennis courts and multi use games court and felt that this could increase the use of the sports club by providing a dedicated sports area within the village.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The wider benefits to the community of co-locating with other sports and the relocation to enable continued provision of a well-used tennis facility in New Earswick are considered to amount to very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and modest harm to openness, even when affording substantial weight to that harm. The proposal therefore accords with Green Belt policies within the NPPF. At the same time the location of the facilities relative to the adjoining railway would not be such as to impact upon its operational effectiveness.

¹ [Note: *It became evident only when Mr Calverley was speaking that, although he had registered to speak on Plans item 4a (Sports Ground, White Rose Ave), his comments related to the Red Lodge application which had already been considered prior to this application. The Chair advised that, whilst Members noted his views, they were unable to take these into account in relation to the Red Lodge application as this had already been considered.*]

14. Red Lodge, Haxby Road, York (15/00758/FULM)

Members considered a major full application by the Joseph Rowntree Housing Trust for the erection of 129 extra care apartments (class C3B) and 44 care suites (class C2) and play area following demolition of Red Lodge, former library and tennis clubhouse buildings, external alterations to the Folk Hall and the construction of multi-use games area on the recreation ground.

Officers advised that, for the avoidance of doubt it was recommended Condition 2 included a comprehensive list of plan references (listed below).

They advised that since the committee report had been written, the balance of the proposed accommodation had been further clarified and that paragraph 4.26 should be amended to read that it was proposed that nomination rights would be given to the Council in respect of 30% of the extra care housing and would be secured as affordable social rented dwellings within Use Class C3(b) on site by means of a Section 106 Agreement. This requirement was necessary to make the development acceptable in planning terms, and ensure that the S106 agreement met the CIL Regulation requirements, and could be a reason for granting planning permission. A total of 105 Extra Care Apartments (Use Class C3b), (of which 28 will be “Adaptable Flats”) were now proposed with 44 Care Suites (Use Class C2) and two Respite Care Suites (Use Class C2).

They advised that the applicant had also recently provided drawings identifying those C3(b) units that would be “Adaptable Flats”, that could switch between C3(b) and three C2 Care Suites, depending upon the care needs of the occupants. Provided the ability to switch between these uses was restricted to the units shown on Drawings AA4761/2090, AA4761/2091,

and AA4761/2092, dated 13th July 2016 a condition could be imposed that permitted such a change without planning permission and Officers therefore sought authority to draft an appropriate condition to achieve this.

Officers advised that there were sufficient non-adaptable C3(b) Units to enable 30% of the affordable units to be identified and secured through a S106 agreement and to enable this, the recommendation should be amended accordingly.

Mr Shaun Rafferty, Strategic Director of Communities for the Joseph Rowntree Foundation, addressed the committee. He advised the committee that the proposed redevelopment of Red Lodge would provide the basis for a new vibrant centre for village life and would integrate people into village life. The proposed building would increase the amount of affordable high quality care provision in the city and could be reconfigured in the future to meet the changing needs of residents. The proposals would also include the revival and improvement of community facilities in the village.

Members expressed their support for the scheme. Some concern was raised with regard to massing with a lot of development in one area of New Earswick and the possible effect on a row of shops further up the road and the loss of informal open space. However they agreed that the proposals would address a need for affordable high quality housing for older people in York which would in turn free up larger houses for families. They agreed that it would improve community cohesion and would provide an inclusive place for citizens to live.

Members agreed that the landscaping condition should be amended to refer to the lifetime of the development in relation to replacement planting.

Resolved: That delegated authority be given to the Assistant Director of Planning and Regeneration to APPROVE the application subject to:

- (i) Satisfactory completion of a S106 Agreement to
 - define and secure 30% affordable extra care C3(b) residential units within the residential apartment buildings in line with the

requirements of the Adopted Interim Policy on Affordable Housing, and

- link the provision of replacement tennis facilities and works to the Folk Hall to the provision of the care home and residential extra care units, and

(ii) Suitably worded conditions to enable those “Adaptable Flats” shown on Drawings AA4761/2090, AA4761/2091, and AA4761/2092, dated 13th July 2016 to change use between C3(b) and C2 uses without the need for express planning permission, and amendments to proposed Condition 37 to ensure that the development is occupied only by persons aged over 55 and in need of defined care (and their spouse/partner)

(iii) the other conditions set out in the report, the amendment to condition 6 to refer to the “lifetime of the development” for the replacement of planting and the amended condition 2 below:

Amended Condition 2

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

AA4761/2030/D;AA4761/2031C;AA4761/2040D;AA4761/2041B;AA4761/2045B;AA4761/2050A;AA4761/2051A; AA4761/2060G; AA4761/2061D;AA4761/2062F;AA4761/ 2063C; AA4761/2066E; AA4761/2067E;AA4761/2068C;AA4761/2069;AA4761/2070;G3869-401 and 402 C; AA4761/2080A; AA4761/2081A; AA4761/2082A; AA4761/2083A; 10752-135; AA4761/2000A; AA4761/2001C;AA4761/2004B;AA4761/2005B; AA4761/2006B; AA4761/2007B;AA4761/2010F; AA4761/2011F; AA4761/2012E; AA4761/2013C;AA4761/2014B;AA4761/2015B; AA4761/2016B; AA4761/2020E and AA4761/2021B.

Reason: The proposal, as amended, would fulfil the statutory tests within Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act of preserving and enhancing the Conservation Area in respect of both the new built development and the

relocation of the MUGA as well as safeguarding the character and setting of the Listed Folk Hall building. A substantial public benefit arising from the wider proposal can also be demonstrated in each case to justify the less than substantial harm that would be caused by the development in respect of paragraph 134 of the NPPF. At the same time the residential amenity of the adjacent properties to the north and west would similarly be safeguarded.

15. The Folk Hall, Haxby Road, New Earswick, York (15/00865/LBC)

Members considered an application for listed building consent by the Joseph Rowntree Housing Trust for internal and external alterations including installation of lift and alternations to entrances and ramps.

Officers advised that, for the avoidance of doubt it was recommended that Condition 2 should include the following plan references: AA4761, 2060 G ground floor, 2061 D first floor, 2062 F demol plan grd, 2063 C demol plan fst, 2066 E elevs 1, 2067 E elevs 2, 2068 C works to ground floor, 2069 works to first floor and 2070 internal and external doors .

Ms Kathryn Jukes, Planning Consultant for Joseph Rowntree Housing Trust, addressed the committee in support of the application. She explained the background to the history of the Folk Hall, the proposed changes and the reasons for these. She advised that the main entrance would be moved to the front of the building with a garden area at the back with a terrace and toddler play area. The proposals would integrate the Folk Hall into the community and provide a space where barriers could be broken down.

Members welcomed the scheme which they noted would update and improve the Folk Hall to meet current needs and would provide a focus for community events and somewhere for residents to meet. They felt it was an exciting proposal which would ensure the future of the Folk Hall.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 2

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

- Drawing Refs:- AA4761
- 2060 G ground floor
- 2061 D first floor
- 15/00865/LBC Page 2 of 3
- 2062 F demol plan grd
- 2063 C demol plan fst
- 2066 E elevs 1
- 2067 E elevs 2
- 2068 C works to ground floor
- 2069 works to first floor
- 2070 internal and external doors .

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

Reason: The proposed works would cause less than substantial harm to the significance of the property. The re-creation of the Parker and Unwin design concept together with the establishment of a role for the hall as a community focus for the proposed re-constructed Red Lodge scheme would provide a suitable degree of public benefit to justify the proposed works, even when attributing considerable importance and weight to the minimal harm caused to the listed building.

16. Land At Grid Reference 469030 444830, Church Lane, Wheldrake (16/00952/FUL)

Members considered a full application from Derwent Valley Glamping for the erection of four seasonal tents utilising existing access, the creation and maintenance of a footpath link, and the incorporation of a habitat enhancement plan (resubmission).

Mr Chris Hobson, the applicant, addressed the committee in support of his application. He explained that the seasonal tents would incorporate kitchen and toilet facilities to avoid the need for additional external facilities. The car parking area would have the appearance of grass. A footpath had been constructed down the side of the site which was in private ownership but

would be kept open to the public for access. He expressed the view that the proposals would provide an acceptable form of development in the green belt as the tents were temporary structures and would be removed out of season. He stated that the proposals would provide a significant amount of benefit including benefits to the local economy and to environmental habitat enhancements.

Members noted that the site was well screened from the road but the vista opened up once into the site and that the tents would overlook spectacular countryside and should attract visitors looking for peace and quiet with access to country walks and wildlife.

Some Members remarked that at the site visit they had observed local wildlife and had seen birds of prey and expressed concerns that the proposed use could not be achieved without creating a disturbance to this wildlife. They acknowledged that the tents would only be in place for part of the year but that they were of a substantial size and would impact on the greenbelt and the adjacent nature reserve with concerns of noise and light pollution associated with the use of the site. They noted that connections to sewerage and water would remain even when the tents were taken down.

Members considered whether it would be practical to grant permission for a year and view its operation after this period but acknowledged that this would involve a significant outlay to purchase tents and equipment. The officer advised that while some grades of greenbelt could potentially take this type of development, this was an important area of greenbelt and the harm to the greenbelt would be high with the reasons being put forward as very special circumstances being quite low.

Resolved: That the application be refused.

Reason: Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the

National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including harm to the purposes of Green Belt and openness and harm to the character and appearance of the area through visual impact and noise and disturbance). The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014) and Policy GB1 of the City of York Development Control Local Plan (April 2005).

17. Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF(16/01251/FUL)

Members considered a full application by Mr James Edwards for the change of use of part of the 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 the boundary (part retrospective).

Officers advised that the agent had requested that the application be deferred. They had queried the status of the local plans with regards to the greenbelt. They had also taken comments made by consultees as the assessment made by officers. Officers confirmed that the report was very clear regarding the status of the greenbelt and the local plans, the feedback of the consultees was also clearly set out. Officers considered that the opinions of the agent did not affect the recommendation as it was clear that the site was within the Green Belt.

Members noted their decision to refuse an application for a mobile storage unit for public use for bulk re sale or recycling of clothing, shoes and clothing accessories on this site at a previous meeting. They felt that, as for that application, these proposals constituted inappropriate development in the greenbelt and would have a negative effect on the highway and agreed that for consistency, and for the reasons outlined by officers, this application should be refused.

Resolved: That the application be refused.

Reason: 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. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the change of use of the site for a car wash facility with associated storage container, canopy, and screening constitutes inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (harm to visual amenity and character of the A59 transport corridor) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. 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.

The application site is in an area which is open in character and appearance and contributes to the character and setting of the A59 transport corridor. The proposed 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, by virtue of its location adjacent to a junction on the A59 transport corridor, would be unduly prominent

and intrusive in the streetscene in addition to creating a cluttered appearance. As such the proposed development would fail to respect the character of the area and cause harm to the visual amenity and open character and therefore would conflict with Policy SP3 and GP1 of the City of York Council Development Control Local Plan (2005) and contrary to the core principles and part 7 of the National Planning Policy Framework.

18. Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (16/01095/FUL)

Members considered a full application by Askham Bryan College for the erection of 7 animal shelters associated with the Wildlife and Conservation Area and Animal Management Centre.

Officers advised that condition 1 should be amended to include the revised location plan and that condition 5 should be amended to state that the existing hedge should be grown to a minimum of 3 metres and be retained at that height.

Ms Kathryn Jukes, Planning Consultant for Askham Bryan College, addressed the committee. She reminded Members that in 2013 planning approval had been given for a number of new buildings and alterations to the college to extend and update the teaching facilities to accommodate an increase in numbers and an extended curriculum. The planning application had included a new animal management centre and adjacent wildlife conservation area as well as paddocks with the intention of providing new teaching facilities for students in relation to more exotic animal species rather than simply farm animals. Since then the college has finalised the list of animals to be housed within the wildlife conservation area and had researched their habitat requirements. This meant the generic housing types included in the 2013 application needed to be updated to suit the needs of those animals the college was now to home. This application therefore included specific details of houses designed for specific small mammals as well as a number of gazebos for students to use by the dipping ponds. She

acknowledged that the site was in the greenbelt but the needs of animals provided special circumstances to justify erection of modest structures as did the general college activity.

Some members raised the issue of the need to protect the openness of the green belt but acknowledged that this application was for the animal shelters within enclosures which had planning permission and that the new shelters were required for wellbeing of the animals. They accepted that very special circumstances had been demonstrated and that this would increase the opportunities for young people at the college.

Resolved: That the application be approved subject to the conditions listed in the report and the amended conditions below:

Amended Condition 1

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

- Drawing Number (0-)02 Revision B 'Wildlife and Conservation Area: Enclosure No. 11A and 11B' received 04 May 2016;
- Drawing Number (0-)03 Revision B 'Wildlife and Conservation Area: Enclosure No.04' received 14 June 2016;
- Drawing Number (0-)04 'Wildlife and Conservation Area: Enclosure No. 14' received 04 May 2016;
- Drawing Number (0-)05 Revision A 'Wildlife and Conservation Area: Enclosure No. 7' received 04 May 2016;
- Drawing Number (0-)06 Revision A 'Wildlife and Conservation Area: Enclosure No. 3' received 14 June 2016;
- Drawing Number (0-)01 Revision H 'Wildlife and Conservation Area' received 14 June 2016;
- Drawing Number 15/087/09 'Site Location Plan V2' received 14 July 2016;

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

Amended Condition 5

The existing hedge along the southern boundary between the A64 and the 2 no. shelters (referred to as (3) on Drawing Number (0-)01 Revision H 'Wildlife and Conservation Area received 14 June 2016) shall be grown to a minimum height of 3 metres and shall not, except with the prior approval in writing of the Local Planning Authority, be removed or reduced in minimum height below 3 metres above ground level at the hedge roots.

If in the circumstances that a tree/s or part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: To prevent views of the shelters from the A64, and to ensure that the hedge provides adequate screening and does not harm the visual amenity of the transport corridor, or the openness of the greenbelt.

Reason: The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on openness and that the proposal would undermine two of the five Green Belt purposes.

The applicant has advanced factors which they consider to amount to very special circumstances in respect of the proposal:- principle set by 13/02946/FULM planning permission; and animal welfare. Officers have considered the justification put forward by the applicant in support of the proposals and, having weighed these considerations against the harms that have been identified, has concluded that these considerations together with: the proposed facilities being required for the college to expand and compete and improve existing courses; and the proposed college facilities being required in proximity to the current campus and not reasonably being sited elsewhere cumulatively, clearly outweigh the harm to the Green Belt and other harms identified. It is concluded that very special circumstances do exist to justify the proposal.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.45 pm].

COMMITTEE REPORT

Date: 18 August 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 15/01571/FULM
Application at: Coal Yard 11 Mansfield Street York YO31 7US
For: Erection of four storey block for student accommodation (84 units)
following demolition of existing building
By: Horwell Bros Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 27 June 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full application for the erection of a building to provide student accommodation at Mansfield Street York.

1.2 The site is located to the east of Foss Islands Road. Access is along Mansfield Street, a small cul-de-sac of mixed commercial development. To the north of the site is a retail unit formally occupied by Topps tiles, to the south and east are various commercial and industrial uses.

1.3 The land is an existing coal yard consists of a single storey office building and enclosed yard area with bunkering and storage bays. The site measures approximately 35 metres by between 32 and 39 metres with the addition of the office building area measuring 18 metres by 13 metres.

1.4 The proposal, which has been amended since first submission, is to remove the existing single storey office building and redevelop the coal yard area with a four storey structure to provide student accommodation (84 units with associated kitchen and living areas). The existing office building area will provide 5 car parking spaces and cycle and bin storage to service the building.

PLANNING HISTORY

1.5 There is no relevant planning history on the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

Please see section 4 of this report for the policy context

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - No objections to the amended scheme subject to conditions.

3.2 PLANNING AND ENVIRONMENTAL MANAGEMENT (Forward Planning)- satisfied that the principle of the scheme can be supported. The applicant has shown a need for student housing in accordance with policy ED10 of the Development Control Local Plan. The report by Lawrence Hannah setting out the viability of the site as an employment site is accepted. The policy team recognise that there is not a strong case for retaining the Employment use of the site.

3.3 PLANNING AND ENVIRONMENTAL MANAGEMENT (Archaeology) - An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site. This work should have been carried out in advance of determining this application. However, on this site City Archaeology are prepared to accept that this work can proceed after the application has been determined if appropriate conditions requiring evaluation and if appropriate excavation is carried out at the site

3.4 EMERGENCY PLANNING - Considers that we should not accept development in flood zone 3a which potentially creates a demand for assistance from the emergency services at a time when they are likely to be very busy.

3.5 FLOOD RISK MANAGEMENT TEAM - no objections in principle subject to conditions which seek to ensure that the site is properly drained.

3.6 PUBLIC PROTECTION -The submitted noise survey acknowledges the high level of noise associated with the adjacent construction sites. Public protection is however satisfied that the amenity of students will be protected with the use of specific glazing to windows and trickle ventilation and this is to be conditioned. In addition conditions are required to achieve an electric hook up point in the car park area, and environmental management plan during the construction phase of the

development, conditions relating to the installation of plant and equipment and land contamination.

EXTERNAL

3.7 GUILDHALL PLANNING PANEL - No comments received.

3.8 YORKSHIRE WATER AUTHORITY - SITE LAYOUT - Yorkshire Water has no objection to the proposal from the developer to cut back the existing live 3" diameter water main located within the site. If there are properties fed from this main then the services will require diverting at the developers cost. SURFACE WATER - The submitted Flood Risk Assessment, dated 10th February 2016, does not confirm a route or rate for surface water disposal.

3.9 The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical before considering disposal to a public sewer.

3.10 ENVIRONMENT AGENCY - Provided the Sequential test is passed there are no objections to the application subject to conditions which seek to ensure that the details in the submitted flood risk assessment are implemented. Emergency planning should be consulted.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Principle of the development
- Loss of employment land
- Student housing
- Siting and design
- Residential amenity
- Highways access and parking arrangements
- Sustainability (of the buildings)
- Flood risk and drainage

PLANNING POLICY

4.2 The site is located to the east of the city centre in a sustainable urban location.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.3 Paragraph 14 of the NPPF indicates that the heart of the framework is a presumption in favour of sustainable for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

4.4 The footnote to paragraph 14 indicates that the presumption in favour of development does not apply in areas at risk of flood.

4.5 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

4.6 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. At paragraph 20, to help achieve economic growth, the NPPF sets out that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 22 advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.7 The Government advises at paragraph 50 that to deliver a wide choice of high quality homes, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.8 Paragraph 103 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 is an overriding reason 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.

DEVELOPMENT PLAN

4.9 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.

LOCAL PLAN

4.10 The City of York Council does not have a formally adopted Local Plan. Nevertheless the City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP) was approved for Development Management purposes. The DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however 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 Policy E3b (Existing and Proposed Employment Sites) seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. In addition either point b), c) or d) of policy must be met.

4.12 Under Policy ED10 (Student Housing) planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicants must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, scale and location and the amenity of nearby residents. Car parking must also be satisfactorily managed.

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, was halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan - Preferred Sites 2016" document and other supporting technical documents. Members have approved these documents for consultation which commenced on the 18th July 2016 and will run until the 12th September 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is

limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.14 The site is proposed to be allocated for light industrial, storage and distribution (B1c/B2/B8) employment uses under Policy EC1: Provision of Employment Land. The application site falls within the wider proposed allocation known as E5: Land at Layerthorpe and James Street Sites at James Street (900sq.m/0.2ha). This allocation has been carried forward into the allocations document June 2016.

4.15 The site is also an existing employment site. Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the DCLP. When considering proposals uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that that is necessary to meet employment needs during the plan period.

4.16 Students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. The council encourages purpose-built student accommodation where there is a proven need and it is designed and managed in a way that attracts students to take it up under emerging local plan policy H7 (Student Housing). This continued the approach to student housing in the DCLP.

Evidence Base

4.17 The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business expansion is in part dependent on ensuring the availability and suitability of employment land.

4.18 The application site has been considered for employment use through the emerging local plan site selection process. All sites were analysed individually however in order to create the best opportunities for sustainable sites where possible individual sites were amalgamated into larger sites where they were adjacent to each other or overlapping. The site forms part of the larger site referenced 307. Following analysis the site was found to be an existing employment area that should be retained for small scale owner-occupier and small scale business demand including B1 (c) and B2 uses. This has led to the proposed allocation of the site as part of a wider site known as E5 in the emerging local plan. It found that the development of B use classes on this site would complement the surrounding area and have an excellent impact on improving employment

opportunities in the area, with an excellent ability to deliver several significant regional and local policy objectives. The draft allocation document June 2016 carries this allocation forward identifying the site as a vacant plot within an existing employment area.

4.19 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

Principle of the Development

4.20 The site is previously development land sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed in this location is supported by the NPPF. Student housing can relieve the pressure on 'traditional' housing and provide a level of employment; The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic uses as such the general thrust of the NPPF is supportive of the development proposed.

Loss of Employment Land

4.21 The Government through the NPPF is seeking to ensure that the planning system does every thing it can to support sustainable economic growth. Significant weight should be attached to this aim in planning decisions. Local planning authorities should plan proactively to meet the development needs of business however Paragraph 22 of the NPPF says the long term protection of sites allocated for employment should be avoided where there is no reasonable prospect of the site being used for the allocated employment use.

4.22 Both the DCLP and the emerging Local plan have policies that seek to resist the loss of employment land. That is policy E3b of the DCLP and policy EC3 of the emerging plan. Policy E3b says planning permission will only be given for other uses where there is a sufficient supply of employment land and, unacceptable environmental problems exist or, the development of the site for other appropriate uses will lead to significant benefits to the local economy or, the use is ancillary to an employment use. Generally evidence that an employment use is no longer viable will be required if non employment uses (those falling within class B1, B2 and B8). This normally includes marketing the property for sale.

4.23 The applicant has commissioned property Construction Consultants Lawrence Hannah to write a report on the loss of employment land. The report considered the site in the context of B1 (office), B1/B2 (Industrial), A1 (Retail) and D2 (Leisure). The key messages from the report include:

- There has been no marketing of the site itself;
- There is little demand within these business sectors based on nearby premises;
- In relation to industrial uses there is a disproportional split between of office to yard space;
- There is limited access to the site which makes it unsuited to b8 uses;
- Continued use of the site as a coal yard, waste transfer/storage yard, provides a source of conflict with adjacent uses;
- The land and building are not viable in terms of market attractiveness, business operation or condition;
- Policy E3b supports the permission for non employment uses if ancillary to an employment use. The Lawrence and Hannah report suggests the provision of student accommodation is ancillary to the delivery of further education in York.

4.24 Policy colleagues accept the Lawrence Hannah report and do not object to the principle of the development based on the criteria in draft policy E3b. This stance is somewhat in conflict with the continued promotion of the site for employment use as part of the allocations document (June 2016) to the emerging local plan. However the current evidence, which is not contradicted by policy, is that there is no demand for employment uses on this site and the current use is not likely to remain. On this basis no objections are raised to the principle of the loss of the employment site. Prior to committee further comments of policy and economic development will be sought on the reason for the continued allocation of the site. Further comments will be reported to committee.

STUDENT HOUSING

4.25 Paragraph 50 of the NPPF says that Local planning authorities should plan for a wide choice of high quality homes based on current and future demographic trends, market trends and the needs of different groups in the community.

4.26 The DCLP through policy ED10 and the emerging plan through policy H7 are relevant to applications for student housing. Policy ED10 (Student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development is acceptable and the impact on the amenity of nearby residents would not be detrimental. Car parking must also be satisfactorily managed.

4.27 The emerging local plan says that students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. The council encourages purpose-built student accommodation where there is a proven need and it is

designed and managed in a way that attracts students to take it up under emerging policy H7.

4.28 A report has been prepared DWP with input from specialist providers in relation to the need for additional student accommodation. The report considers the following:

- Student numbers: Total 23,095 in 2013/2014, with those in full time education 20,005;
- The proposed growth in student numbers at both Universities in York over the coming years: from 6,500 to 8,000 by 2018 at York St John and by 5,500 students up to the period 2030 at York University;
- Accommodation provision: at York St John's (1657 bed spaces), University of York (4,950 bed spaces), private accommodation (1289 bed spaces) and proposed student accommodation developments (326 bed spaces).
- Increasing dependence on private sector for provision;
- Provision of purpose built student accommodation at Mansfield Street will help to reduce the number of Houses in Multiple Occupation (HMO's);
- Recent investment in student housing provision has resulted in an increase in bed spaces but does not fully address potential demand;
- Much of the existing student accommodation is old and will need to be taken out of use either as it becomes obsolescent or refurbished;
- Interest from several student accommodation providers indicating investor confidence in the sector and the delivery of purpose built student accommodation remains a market opportunity.

4.29 In relation to the figures provided in the DWP Report, Officers would agree with the student totals and the proposed growth in student numbers. There is also general agreement with the accommodation provision in bed spaces, apart from the proposed developments which should also include 660 bed spaces at the former St Joseph's Convent on Lawrence Street, 58 self contained units at 2-14 George Hudson Street and 114 student rooms at 29-31 and 37 Lawrence Street. However even when these additions are factored planning policy consider that there is still a demand for student accommodation bed spaces. In accordance with DCLP policy ED10 it is considered that the applicant has shown that there is a need for the development. Other elements of draft policy ED10 are considered below.

SITING AND DESIGN

4.30 The site is located at the end of Mansfield Street; a small cul-de-sac accessing a range of none domestic uses. The site itself is surrounded by industrial and retail development and sits about 1 metre lower than land to the north, east and south. There is an existing single storey office building on the south west side of the land the remaining yard area is used for the storage of coal and consists of an impermeable surfaced area with brick wall boundary. The initial design for the site

was for the erection of a five storey building providing 107 student units. The scheme has been redesigned to provide 84 student units in a four storey building. The upper level is provided as a glazed recessed roof structure to lessen the visual significance of the upper level. The building is otherwise predominantly a brick structure which sits fairly centrally within the yard area; the existing office structure is removed to provide space for car parking, cycle and bin storage facilities. A turning area at the end of the cul-de-sac is also provided as part of the car parking arrangements and this will be adopted as highway land.

4.31 The building is accessed from its western side via a pedestrian access gate. It is set back from the road providing small court yard for visitor cycle parking and a small landscaped amenity area. The north and south elevations are set 5 metres from the northern and southern boundaries and a little less from the eastern boundary. The narrow area around the building, which is enclosed by a 2 metre wall, provides the external space for the accommodation. The height of the building is 10 metres to a parapet and 12 metres in total; this is shown in cross section as being marginally higher than the highest part of the gym building on the western side and similar in height to the highest part of the adjacent, recently converted (to residential use), William Birch offices. The industrial uses at the rear of the site and former Topps tiles to the north are industrial buildings on a single level. Being set a metre above the site level reduces the differential in height between the existing and proposed structures nevertheless in views of the building from the east and from Layerthorpe to the north the building will be visible.

4.32 In Officers' opinion there is no overriding character to the area that would preclude the approach to development proposed by the applicant and there would be no reasonable basis to object to the proposed scheme on design grounds despite its large scale and design that is different to its immediate surroundings.

RESIDENTIAL AMENITY

4.33 The closest residential development to the site is located in the former William Birch Offices, which have been converted under Permitted Development rights following the approval of a prior notification application. Student housing has also been constructed on a site to the east. However the site's nearest neighbours are commercial uses; retail, leisure and industrial. At the request of Public Protection, the applicant has submitted a noise report which assesses the noise environment for future residents. Public Protection have considered this report and concluded that with appropriate glazing the building will provide an acceptable residential environment for students and support the application subject to a condition requiring noise insulation details.

4.34 The site's current environment is not one in which a residential use can easily be envisaged. The existing coal use, the single storey office, the poor state of repair of buildings on the periphery and the boundary treatment all need upgrading. The proposed scheme includes work to maintain and improve the site boundaries and

the removal of the existing building will in itself change the balance of development and create a better environment. City centre facilities are close by and the cul-de-sac location means traffic and pedestrian movements are relatively low. Officers consider that overall the balance of uses in this area is changing as part of this changing environment and, based on the enhancement of the site boundaries providing a better backdrop to the proposed external space; it is considered that the development will provide an acceptable residential environment for student housing.

HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.35 Highway Network Management have no objection to the proposed development. The proposed student accommodation is close to the city centre, public transport and the University of York St John. It is within easy cycling distance of the University of York and therefore deemed to be situated in a sustainable location.

4.36 The block is situated at the head of a road which currently does not have a turning head. Parking restrictions protect the free flow of traffic in this and nearby streets. Although the site is considered to be in a sustainable location, the limited off-street parking means that without viable sustainable travel alternatives being promoted, the development has the potential to still attract multiple car ownership but without the off-street facilities to accommodate them. In order to address this Highway Network Management require a travel plan to incentivise sustainable travel and reduce the potential impact on the highway. The travel plan shall contain information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets, and delivery of further cycle parking if demand requires.

4.37 There are 84 units proposed in the amended layout. The cycle shelter provides 36 covered and secure cycle spaces. A further covered area for 8 bikes within the secure compound has been provided and this could be extended if bike use was significant. This provides the block with a minimum of 50% provision of CYC Appendix E standards which has been adopted on a number of student accommodation sites nearby.

4.38 The applicant has provided a turning head suitable for modest delivery vehicles, the turning head would be offered up for adoption. Access to private parking to be controlled by the applicant is also from the turning head. The parking will enable the occupier to manage start/ end of term arrivals/ departures. Highway Network Management request a management plan to be conditioned in line with other student accommodation sites within York. In addition to the turning head, a footpath within the applicant's ownership is to be provided at the end of Mansfield Street and offered up for adoption. The turning area and footway works to the area will be covered by a highway agreement. Access for refuse vehicles will be as existing, where wagons reverse the length of Mansfield Street.

4.39 Vehicular access for construction is very restricted, being accessible by Mansfield Street only and at the end of a narrow street with limited turning for large vehicles. Highway Network Management therefore require a method of works condition to mitigate the impact on the adjacent highway during construction.

SUSTAINABILITY (Building Design and Accessibility)

4.40 The application is supported by a sustainability statement which indicates that the building envelope will be a high performing construction. It is proposed that a condition be attached to require the building to achieve BREEAM 'very good' standard to accord with the requirements of the Council's Interim Planning Policy on Sustainable Design and Construction. The applicant has also considered the scheme against policy GP4a of the DCLP which seeks to ensure that development considers the principle of sustainability through a number of criteria including accessibility, social needs, employment opportunities, high quality design, consumption of materials and resources, minimising pollution, conserving natural areas and landscaping, maximising renewable sources, making provision for refuse and recycling. Officers are satisfied that based on the parameters of GP4a, and with appropriate conditions, that the site achieves the requirements of GP4a in an accessible urban location on previously developed land.

FLOOD RISK

4.41 The site is located within Flood Zone 3a. The existing use of the site is a 'less vulnerable' use according to the NPPF and the proposed use is a 'more vulnerable' use. The proposal would therefore be an increase in the flood risk vulnerability of the site. 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.

4.42 A comprehensive sequential test supports the application which has looked at a total of 73 sites and concluded that no other site in the geographical area is available for the development. The application details show that there is a demonstrable need for university accommodation within the city and the scheme passes the sequential test as there are no other available sites in more suitable locations.

4.43 The development would make effective use of previously developed land in a central location, there is still a need for student housing and there are benefits in terms of wider housing land supply. The building has been designed with an undercroft that allows water to pass through the structure during the event of a flood. The scheme could achieve local requirements in terms of sustainable design and construction.

4.44 The internal ground floor level would be at 10.96 AOD, which is 600 mm above the 1 in 100 year flood level. Although occupants of the building would be safe in the event of flood they would not be able to exit the building and would need rescuing in the event of flood. In order to be assured that the building would be safe for its life time and could provide safe access and escape routes Officers consider that the applicant should provide a comprehensive flood evacuation plan, which would monitor potential flood events and ensure the building could be evacuated before the site were inundated with flood water. Further information on this matter will be provided at committee. However with an evacuation plan in place officers consider that the development could satisfy the requirements of the exception test.

4.45 In accordance with York's Strategic Flood Risk Assessment surface water drainage from the site would be reduced, to 70% of the existing rate. This shall be achieved through site storage and a hydrobrake system, which would accommodate and restrict surface water run-off accordingly.

4.46 The Environment Agency is not objecting to the proposal subject to conditions in relation to the submitted flood risk assessment.

ARCHAEOLOGY

4.47 This site is situated immediately outside the Central Area of Archaeological Importance. It is located north-east of the King's Fishpool and south of Layerthorpe and the medieval bridge across the King's Fishpool. Archaeological deposits and features dating from the Roman-medieval period are known to survive in this area. Policy HE10 of the DCLP is relevant. The policy seeks to assess and preserve (at least 95% of) important archaeological remains.

4.48 A desk based assessment for this site was completed in March 2015. It recommends evaluation trenching due to the close proximity to the former medieval church of St Mary and the high probability of post-medieval and early modern archaeology on the site.

4.49 An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site. This work should ideally been carried out in advance of determining the application. However, city archaeologist is prepared to accept that this work can proceed after the application has been

determined provided conditions are attached which require evaluation and excavation works.

5.0 CONCLUSION

5.1 The site is previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. Student housing can relieve the pressure on 'traditional' housing and provide a level of employment; The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic uses as such the general thrust of the NPPF is supportive of the development proposed.

5.2 Based on the evidence submitted and the comments of policy the loss of the employment site is supported.

5.3 DCLP policy ED10 (Student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development should be acceptable and the impact on the amenity of nearby residents should not be detrimental. Car parking must also be satisfactorily managed. In accordance with policy ED10 it is considered that the applicant has shown that there is a need for the development. Furthermore it is considered that the site has an acceptable relationship to adjacent development and will not impact on residential amenity. Management of car parking would be conditioned. The application is considered to comply with the requirements of policy ED10.

5.4 In order for the application to pass the exceptions test as part of the assessment of flood risk an evacuation plan is required. Further information will be provided on this matter direct to committee. Subject to an appropriate evacuation plan the development is considered acceptable in flood zone 3a.

COMMITTEE TO VISIT

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 and other submitted details:-

(to be confirmed at Committee)

Reason: For the avoidance of doubt and to ensure that the development is carried

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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.

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 No construction works shall take place 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 and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion 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.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The information is sought prior to commencement because the site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ in accordance with Section 12 of the National Planning Policy Framework

6 If, following the carrying out of the archaeological evaluation required by the above condition, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced.

The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

7 Construction Management

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 protect the amenity of local residents.

INFORMATIVE:

For noise details on 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, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water dowsers and spraying, location of stockpiles and position on site. Details should 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. 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).

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.

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.

8 Prior to commencement of the 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 receptors.

9 Prior to commencement of the 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.

10 Prior to first occupation or use of any part of the development, 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 approved 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.

11 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.

12 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The 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 and the Interim Planning Statement 'Sustainable Design and Construction'

13 No development shall take place until a detailed scheme of noise insulation measures for protecting the student accommodation from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The approved and installed noise insulation measures shall thereafter be maintained for the life time of the development.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut and other means of ventilation provided.

Reason: Reason: To protect the amenity of students occupying the site from externally generated noise and in accordance with the National Planning Policy

Framework.

14 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. 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 safeguard the amenity of occupants of neighbouring premises

15 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

16 No development 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. The development shall take place in accordance with the approved details.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient

evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's. If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to

prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test. If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above. Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

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

17 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 and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be sati

18 One (1) electric vehicle charge point shall be provided prior to first use or occupation of any part of the development in a position to be first agreed in with the Local Planning Authority and it shall thereafter be maintained for the lifetime of the development. Electric vehicle recharge points should be in a prominent position on the site and should be for the exclusive use of zero emission vehicles.

Notes: Electric Vehicle Recharging Point means a weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

19 The development hereby approved shall accord with a Student Arrivals Traffic Management Plan. Prior to the first occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to manage student arrivals and departures on the adjacent public highway at term change-over times. The agreed Traffic Management Plan shall be implemented and adhered to in accordance with the approved details for the life time of the development unless alternative arrangements are first agreed in writing with the Local Planning Authority.

Reason: in the interests of highway safety and to ensure the free flow of traffic.

20 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such 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.

21 The building shall not be occupied 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.

22 The development shall not be occupied until the highway layout, as shown on the approved plans (including new footway and turning head shown on DWP drawing LDS2229.002C (subject to highways agreements)) have been completed.

Informative: These works are to be the subject of one or more Section 38 Agreement(s) or other highways agreement(s).

Reason: In the interests of highway safety

23 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 prior to development commencing. The a statement shall include at least the following information;

a) a dilapidation survey jointly undertaken with the local highway authority of the surrounding highway

b) details of access/ egress and turning within the site for contractors and other users of the area

c) the routing for construction traffic that will be promoted including a scheme for signing the promoted construction traffic routing.

d) where contractors will park

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

24 Within 6 months of first occupation of the development a travel plan shall be submitted to the Local Planning Authority for approval in writing. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan. Within 12 months of occupation of the site a first year travel survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel

Note: The travel plan shall contain information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets, and delivery of further cycle parking if demand requires.

25 Use class of development

Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall be used only as student accommodation and for no other purpose. It shall only be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the city, and shall not be used for any other purpose.

Reason: For the avoidance of doubt and In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of planning gain (such as open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan. In addition the site is located within flood zone 3a and the sites use for other uses within Class C2 would need to set out emergency

procedures in the event of flood.

7.0 INFORMATIVES: Notes to Applicant

Informative note: Drainage

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

Notes:

- a. It is important that Yorkshire Water are consulted. Have they and did they raise any objections.?
- b. No infiltration tests carried out to discount the use of soakaways therefore these should be carried out and proof submitted to us and Yorkshire Water.
- c. The details provided show only the 15 & 30 minute storm duration in a 1 in 100 year storm but with no allowance for climate change and not to the above criteria therefore the details should include these.

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:

- Amended scheme submitted and re-consultation undertaken

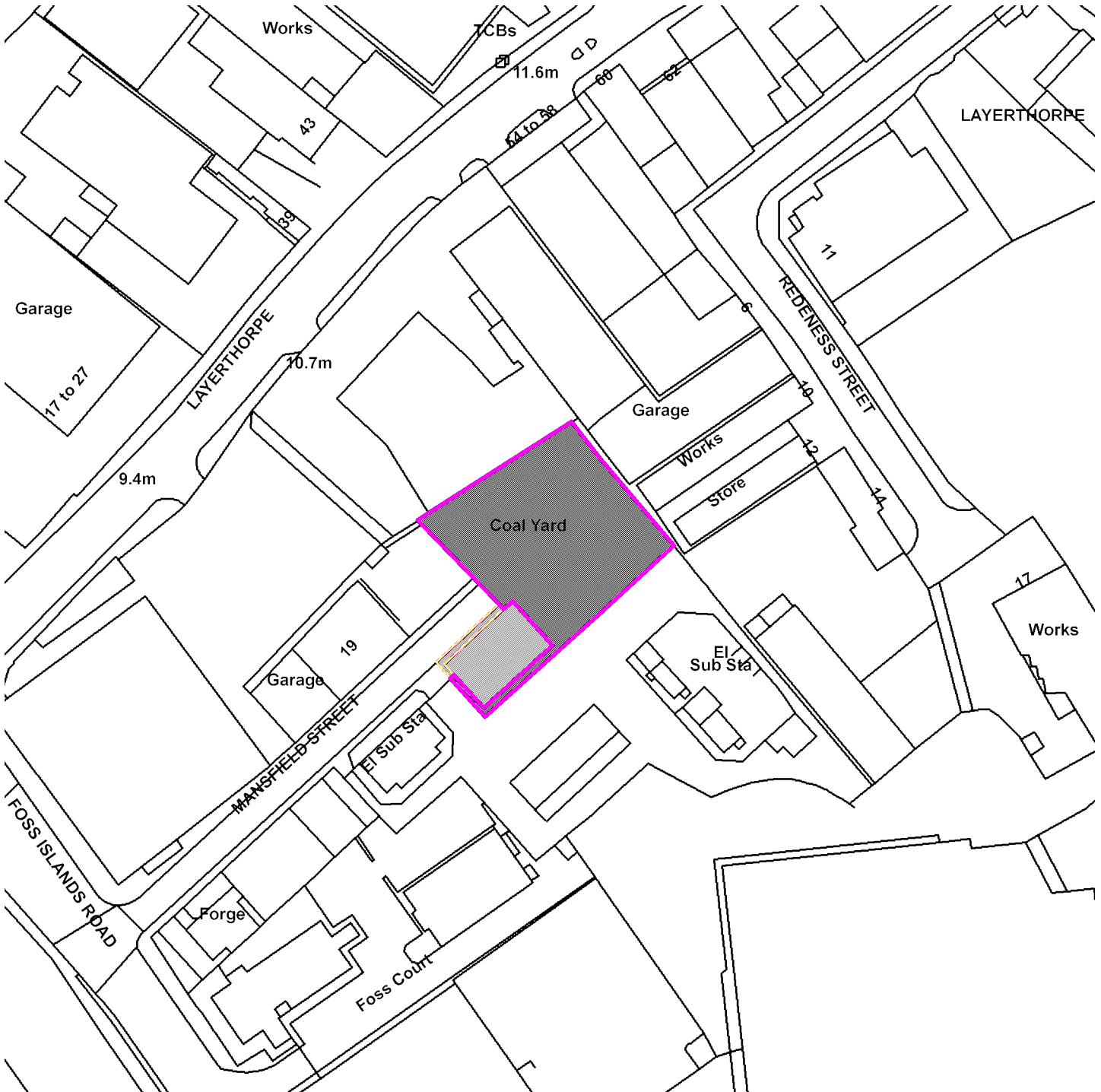
Contact details:

Author: Diane Cragg Development Management Officer (Mon-Thur)

Tel No: 01904 551351

15/01571/FULM

11 Mansfield Street, York



Scale : 1:1185

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Organisation	City of York Council
Department	CES
Comments	Site plan
Date	09 August 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 August 2016 **Ward:** Rawcliffe And Clifton Without

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

Reference: 16/00957/FUL

Application at: NFU Mutual Ins. Society Ltd. Zenith House, Clifton Park Avenue, York YO30 5PB

For: Formation of additional car parking spaces with associated lighting and security fence to north boundary

By: Mr Mark Hanson

Application Type: Full Application

Target Date: 23 June 2016

Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is for the creation of further vehicle parking in the soft landscaped areas to the south of the office building, together with lighting. The two separate areas would create a net gain of 19 additional spaces. The creation of the larger parking area would result in the felling of 3 no. trees. Landscaping would be removed from the car park to the north of the building to create 10 further vehicle parking spaces. A 1.8 metre high wire mesh fence is proposed to the northern boundary with the housing estate (to the north of the existing hedge and trees). A manual access barrier is proposed to the vehicle access from Clifton Park Avenue. The site currently has circa 175 (agent states between 157 and 167) vehicle parking spaces, the proposed development would result in a total of 204 vehicle parking spaces.

1.2 The site is within the general extent of the York Green Belt. The site is within Flood Zone 2. Part of the larger vehicle parking area to the south of the building will be in Flood Zone 3. The former hospital site is covered by a group Tree Preservation Order.

1.3 No surface water drainage details have been submitted for the proposed parking areas and tarmac access road. In addition no Flood Risk Assessment has been submitted. Despite requests the agent has not stated how many people work on site, neither did they respond to questions as to whether the applicant had a travel plan in place.

1.4 The agent has advised that in addition to the parking provision proposed as part of this application the applicant is in discussion with local sports clubs to provide off-site parking.

2.0 POLICY CONTEXT

2.1 Policies: Please see paragraphs 4.1 to 4.11 of Appraisal for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

PLANNING AND ENVIRONMENTAL MANAGEMENT (Landscape)

3.1 The site and the landscape of Clifton Park lies within greenbelt, and is contained within a green wedge identified in the emerging local plan that relates to the regionally important River Ouse green infrastructure corridor.

3.2 The value of the trees and their influence on the landscape quality is partly dictated by the space afforded to them. The setting of the protected trees and the business park is undermined by the placing of cars under or close to the tree canopies.

3.3 The development represents further incremental degradation of the attractive landscape character of Clifton Park. The variety of mature and exotic trees, both young and mature, forms the backbone to the parks' landscape character. The grassed open spaces are also fundamental to this character and there is a direct, critical synergy between the two. Sequentially, Clifton Park has a strong association with Clifton Ings.

3.4 Smaller proposed parking area to south of office building - The proposal is to remove the parallel parking and widen the available road width by placing six spaces in the grass. Whilst this would barely encroach into the theoretical root protection area of the large Cedar, it would place some cars underneath the canopy of the tree thus increasing the target area. It also visually results in a rather piecemeal appearance of the parking and reduces the spatial quality of the setting of this fine specimen.

3.5 The application is merited with a fully detailed tree survey in accordance with BS5837, and the proposed use of cellular grid to provide a porous surface, which would assist root growth beneath the parking areas and retain similar levels of available soil water. The area for the proposed southern most car park is contained by existing hedging, and the physical impact on existing trees is relatively limited. However, although the proposed loss of trees to make way for the new southern car park is not dramatic, the result is a loss of capacity for tree planting that would perpetuate the scale, age and species diversity. T17 'Plane' has been scored low due to its young age, but it is trees like this that are providing the next generation of large species specimen trees in order to perpetuate the impressive tree cover. The

vitality of Robinia T21 is also threatened by the development. Thus there is an accumulative impact, by way of a sequence of apparently small changes.

3.6 In terms of loss of openness in the Green Belt, the car parks do not represent a built volume, however they do represent a loss of open character and would result in the visible three-dimensional presence of parked cars, which offer up a very different view, form, colour, and character to the existing; the result of which would be detrimental, i.e. harmful, to the open character of the greenbelt.

3.7 The existing northern car park is currently a good example of how healthy shrubbery within a car park can break up the perceived mass of cars, especially in relation to the neighbouring residential context. See attached photos. The replacement of shrubbery with parked cars would result in reduced aesthetic amenity.

3.8 The proposal would result in further incremental degradation of the essentially parkland landscape character of the business park and former hospital grounds and cause significant harm to the attractive open character of the Green Belt, which also results in a reduced capacity to perpetuate the same level of attractive tree cover.

PLANNING AND ENVIRONMENTAL MANAGEMENT (Ecology)

3.9 Clifton Ings and Rawcliffe Meadows Site of Special Scientific Interest (SSSI) will not be impacted by the proposals.

3.10 The woodland north of Clifton Park Avenue is recorded as an area of Deciduous Woodland Priority Habitat identified by Natural England in the national habitat inventories. Priority Habitats are defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The area to be impacted does not meet the definition of Priority Habitat Deciduous Woodland being managed as an amenity area with short mown grassland, small/young trees and picnic benches. However there are a number of significant mature trees (notably beech and lime) in the immediate area and it is part of a reasonable sized parcel of semi-natural habitat which the proposal will erode.

3.11 To facilitate the creation of new car parking there will be a loss of amenity grassland and five trees which have been recorded through a tree survey. The trees to be removed have no potential for roosting bats, having simple form with no significant cracks or crevices. The trees provide some habitat for nesting birds.

3.12 The introduction of additional lighting into this area of woodland would impact on nocturnal species such as hedgehogs which are a species "of principal importance for the purpose of conserving biodiversity" covered under section 41 (England) of the NERC Act (2006) and protected species such as bats.

3.13 There is no evidence that alternative solutions for parking/travel to work have been explored. If this application were approved replacement native tree planting should be undertaken and a sensitive lighting scheme developed, minimising light spill onto surrounding habitat and restricting the length of time per day it is lit for.

FLOOD RISK MANAGEMENT TEAM

3.14 No surface water details have been submitted

3.15 Flood Risk from River - There should be no raising of existing ground levels in flood zone 3.

HIGHWAY NETWORK MANAGEMENT

3.16 Parking restrictions exist along Clifton Park Avenue which will seek to ensure that access can be maintained and that car parking can be managed effectively. Should abuse of these waiting restrictions become an issue then the authority can take enforcement action against those vehicles parked in contravention of the traffic orders. Colleagues in the Traffic team have advised that we do not/have not had regular complaints relating to parking along Clifton Park Avenue.

3.17 Could not support a further increase in car parking on the site without the applicant having first exhausted all other approaches. As a first principle we would wish to establish and have documented evidence that the applicant has produced a meaningful Travel Plan and made a determined effort to implement the TP.

3.18 The introduction of more car parking will create further incentives for staff to travel by car which is contrary to local and national planning and transportation policies. On a practical level the further creation of car parking will generate more demand for staff to arrive by car which will then require further car parking.

3.19 In addition to demonstrating that a TP has been implemented, further information would also be needed to substantiate any increase in parking being proposed including: Building Ground floor area; Staff levels; Shift patterns; Maximum number of staff on site at any one time. There is insufficient information to determine the application and an objection to the principle of extension of car parking without further special circumstances or detailed justification.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

CLIFTON WITHOUT PARISH COUNCIL

3.20 No comments received

ENVIRONMENT AGENCY

3.21 No comments received

PUBLICITY

3.22 1 Representation of Objection states :-

- The development is not sustainable. The proposal would result in an increase in car usage which would add to congestion and cause more CO2 to be released into the atmosphere. NFU should be encouraging use of public transport, cycling and car sharing. Thus removing the need for additional spaces.
- Alteration to the existing car park would result in additional spaces without further loss of green space
- There will be a loss of green space. When the original development was undertaken there was a requirement that no green space be lost, and there is a covenant to that effect.
- The lighting impacts on our sleep and on our enjoyment of our glass room and garden. We already suffer from the existing lighting which disturbs sleep and spoils the view. The proposed lighting will be brighter and white and thus be significantly worse than the current lighting. Request that lights are prevented from shining into gardens, that they be turned off between 20.00 and 07.00. A cool light colour be specified.

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

- 00/02575/REM - Erection of 1x two storey and 1x three storey office blocks with associated access, parking and landscaping - amended scheme - Approved
- 99/02665/REM - Erection of 1 x two storey and 1 x three storey office blocks with associated access, parking and landscaping - Approved
- 98/00186/FUL - Variation of condition of planning permission 97/151/OUT to allow extended period for submission of reserved matters - Approved
- 97/01047/FUL - Erection of 4 three storey office blocks with associated access, parking and landscaping - Approved
- 97/00151/OUT - Variation of condition 1 outline consent 3/27/325/OA dated 29 March 1994 for use of hospital estate for business, residential, health care,

hotel and educational use, to allow extended period for submission of reserved matters. - Approved

KEY ISSUES:-

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Ecology
- Drainage

PLANNING POLICY

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 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

4.2 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.

4.3 Policy GB1 'Development in the Green Belt' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the NPPF the general aim of the policy is considered to be in line with the NPPF.

4.4 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be

given to the historic character and setting of York. The general aim of the policy - take account of the different roles and character of different areas, - is considered to be in line with the NPPF.

Emerging Local Plan

4.5 The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. 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 emerging Plan is a material consideration in the determination of planning applications.

4.6 The National Planning Policy Framework (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.

4.7 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. This presumption does not apply in Green Belt locations.

GREEN BELT STATUS OF THE SITE

4.8 As noted in the above Planning Policy section of this report, the site is located within the general extent of the York Green Belt as described in the RSS. In the DCLP (2005) it is designated as green belt. In the emerging York Local Plan the application site is designated as green belt. 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 emerging Plan is a material consideration in the determination of planning applications.

4.9 Additionally, when the site is assessed on its merits (in paragraphs 4.17 to 4.18 below) it is concluded that whilst the York Green Belt has not yet been fully defined in a statutorily adopted local plan, the site serves a number of Green Belt purposes and should be treated on the basis that it lies within the Green Belt. As such, the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

OPENNESS AND PURPOSES OF THE GREEN BELT

4.10 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.

4.11 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions. Paragraph 90 also allows certain types of development providing they preserve the openness of the Green belt and do not conflict with the purposes of including land in the greenbelt. These include engineering operations.

4.12 The wider site is used as mixture of office, car parking, and dwellings and prior to this was used as Clifton Hospital. The site is on the edge of this developed site. The proposed fence adjacent to the public footpath between the housing estate and the office and car park is considered to fall within engineering operations and does not impact on the openness and permanence of the greenbelt. The additional parking spaces within the existing northern car park fall within engineering operations, and are considered not to impact on the openness of the Green Belt and the purposes of including land within the greenbelt. The proposed vehicle parking areas to the south of the building are also considered to be engineering operations. The smaller car parking area would be within the confines of the existing car park and it is not considered that it would further impact on the openness of the greenbelt.

4.13 The proposed larger southern most car park would be outside the extent of the original car park and developed site using a grassed area and resulting in the loss of three small trees, the surrounding mature screening would be retained. The proposed car park would project further south of the visually built development/envelope in to the established landscaping buffer which forms a visually natural and physical barrier with the open countryside to the south. Openness is the freedom from development and relates to the quantum and extent of development and its physical effect on the site. This proposed car park together with the illumination would create in an increase in the solid form and visual harm

within the greenbelt, and would be contrary to at least 2 of the 5 purposes of the greenbelt: coalescence of development, and encroachment of development into the Green Belt, and therefore resulting in harm to the openness and permanence of the greenbelt and is therefore this part of the application is considered to be inappropriate development in the Green Belt.

4.14 The site is identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. The site falls within the C6 extension to Rawcliffe Meadows and Clifton Ings and forms part of a green wedge. It is considered important for the following reasons: undeveloped open space with a rural feel reaching close to the centre of the city; allow an open aspect and views towards important city landmarks; physical separation between urban forms of a different character; and open areas which build upon the presence of the strays and form a more pronounced separation between areas of different urban form, character and history. Area C6 provides open agricultural and semi-improved grassland adjacent to the River Ouse between residential Rawcliffe and York Business Park providing an open setting to the city.

4.15 The mature soft landscaping acts as a visual buffer between the office buildings and dwellings to the north, and the fields to the south and thus contributes to the aim of preventing the encroachment, sprawl and coalescence of development and therefore maintaining the essential Green Belt characteristics of openness and permanence. As such it is considered that the application site should be treated as falling within the general extent of the Green Belt.

4.16 From paragraph 4.15 above the proposal gives rise to harm to the Green Belt by reason of inappropriateness which should not be approved except in very special circumstances. The proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether there are such other considerations which amount to very special circumstances is assessed below at paragraphs 4.33 to 4.37 below.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.17 The proposed wire mesh fence to the north boundary with an enclosed path (wall and fences to the north, hedge and trees within application site to the south) is not considered to result in undue visual harm, the deciduous trees and hedging would still be visible through the fence and it is not considered to result in an increase in the sense of enclosure to the footpath or heighten a feeling of crime. A

gate would be added to the pedestrian access to the car park to create additional security.

4.18 The loss of vegetation in the northern car park to create additional parking spaces is unfortunate, and would result in some harm to the visual amenity of the car park, however the majority of the soft landscaping would be retained and it is not considered that the loss would result in such harm as to warrant refusal.

4.19 No details of the barrier to the vehicle entrance have been proposed, however depending on details it is not considered that a barrier across the road would result in visual harm to the streetscene, and when viewed in the context of the soft landscaping and the offices behind would have limited visual impact.

4.20 Six no. 6 metre high lampposts are proposed to the southern most proposed car park. The proposed lampposts appear to be taller than the existing lighting columns elsewhere within the car park. The lighting would make the site more prominent and the scale of the lighting is out of keeping with the area. The lighting would result in harm; further adding to the encroachment of development and loss of openness. From the supporting information this car park would appear to be one of the brighter lit areas.

4.21 The proposed loss of mature soft landscaping in the southern car park together with associated lighting would result in a reduction in the quality of the landscape. The current landscape serves to provide a setting, screening, and buffer of the office/residential development from the adjacent countryside. Development of the site would further erode these divisions, and as such would be contrary to the NPPF which expects proposals take account of the different roles and character of different areas, and improve the character and the quality of an area. As such it is considered to result in visual harm to the character of the area in addition to the harm to the openness and permanence of the greenbelt.

IMPACT TO RESIDENTIAL AMENITY

4.22 By virtue of the distance from the nearby dwellings it is not considered that the proposed development would result in disturbance or harm to residential amenity.

ECOLOGY

4.23 The nearest statutory nature conservation site, Clifton Ings and Rawcliffe Meadows Site of Special Scientific Interest (SSSI) will be unlikely to be affected by the proposals.

4.24 The woodland north of Clifton Park Avenue is recorded as an area of Deciduous Woodland Priority Habitat identified by Natural England in the national habitat inventories. Priority Habitats are defined in Section 41 of the Natural

Environment and Rural Communities (NERC) Act 2006. The area to be impacted does not meet the definition of Priority Habitat Deciduous Woodland being managed as an amenity area with short mown grassland, small/young trees and picnic benches. However there are a number of significant mature trees (beech and lime) in the immediate area and it is part of a reasonable sized parcel of semi-natural habitat which the proposal will erode.

4.25 The trees to be removed have no potential for roosting bats, having simple form with no significant cracks or crevices. The trees provide some habitat for nesting birds.

4.26 The introduction of additional lighting into this area of woodland would impact on nocturnal species such as hedgehogs which are a species "of principal importance for the purpose of conserving biodiversity" covered under section 41 (England) of the NERC Act (2006) and protected species such as bats. However it is not considered to result in sufficient harm as to warrant refusal

4.27 The Ecology Officer has requested that if the application is approved that replacement native tree planting should be undertaken, and a sensitive lighting scheme developed, minimising light spill onto surrounding habitat and restricting the length of time per day it is lit for.

DRAINAGE

4.28 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. Whilst the parking spaces would be constructed of permeable materials the material underneath is clay and as such a more formal method of surface water disposal would be required, this information could be sought via condition.

4.29 The development site lies partially within Flood Zone 2 and 3 and is therefore defined as being at a high risk of flooding. The southern most car park would be partially within Flood Zone 3. Car parks are not listed within Flood Risk Vulnerability Classification of the CYC Strategic Flood Risk Assessment, however offices are listed as 'Less Vulnerable'. The applicant has not submitted a Flood Risk Assessment and has failed to demonstrate that the proposed development would not materially increase the level of flood risk to neighbouring properties contrary to paragraph 103 of the National Planning Policy Framework and Policy GP15a) of the York Development Control Local Plan. However it is considered that it could be conditioned that the level of the car park is no higher than the surrounding land.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

4.30 The agent has set out the following factors that he considers weigh in favour of the development and outweigh the harm to the green belt and any other harm to justify the proposed inappropriate development in the greenbelt. These are:

- (i) Use of the access roads for parking restricts access to the property for fire appliances; and
- (ii) Increased employment

These are assessed below:

- (i) Use of the access roads for parking restricts access to the property for fire appliances

4.31 The agent states that a Fire Risk Assessment raised concerns regarding access to the site by Fire Appliances (The Fire Risk Assessment was not submitted with the application). In the supporting information it states that the use of the access road for parking restricts access to the property and therefore the additional car parking spaces are required. On Clifton Park Avenue parts of the road have parking restrictions (double yellow lines), the unrestricted parts of the road allow parking on one side of the road and from site visits the access along the road is not restricted. The road is approx 5.5 to 6 metres in width, the road narrows from a two lane to a single lane as a traffic calming measure. There is a pavement to the northern side of the road and mature planting to the south of the road. The maximum width of a fire appliance is 2.75 metres and as such is considered that it would be able to successfully access the site when vehicles are parked on Clifton Park Avenue. As such this is considered to carry very little weight in favour of the proposal.

- (ii) Employment

4.32 The agent states there would be additional employment created by NFU Mutual (100 - 150). The employment would be located on a floor that was previously used by another business and therefore it is unlikely that there is a net gain of employment on the site, (no figures have been submitted by the agent to indicate that there is an net increase in employment on the site). The existing parking spaces are already in excess of the LPA maximum parking standards which require 1 parking space per 30sqm. For the size of office accommodation there should be maximum level of circa 159 spaces, the proposed development would create 186 - 204 parking spaces.

4.33 There appears to be 2 cycle stores on site providing a total of 27 cycle spaces which is significantly below the CYC minimum requirements (1:60sqm). For the office space provided the minimum cycle parking provision should be approximately 80 spaces.

4.34 Information was sought from the agent as to the level of employment on site, in addition to the details of the applicant's current travel plan, and what sustainable travel measures the applicant has in place, no response was forthcoming. The site is in close proximity to the Rawcliffe Park and Ride facility as well as very close to good cycle and bus routes. The introduction of additional car parking will create further incentives for staff to travel by car which is contrary to local and national planning and transportation policies. As such there appears to be little justification for the additional parking provision in such a sustainable and visually and environmentally sensitive location.

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by definition by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine three of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is compounded by the harm to the visual character and amenity identified in this report.

5.3 The applicant has advanced the following factors which they consider to amount to very special circumstances in respect of the proposal:-

- Use of the access roads for parking restricts access to the property for fire appliances
- Increased employment

5.3 The Local Planning Authority has carefully considered the other considerations put forward by the applicant in support of the proposals and, having weighed these considerations against the harm to the Green Belt and the other harms that have been identified, has concluded that these considerations are not sufficient individually or cumulatively to clearly outweigh the totality of these harms.

Consequently, it is concluded that very special circumstances necessary to justify the proposal do not exist.

6.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the York Green Belt as set out by Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the creation of the southern most car park together with the illumination constitutes inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the other considerations put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (harm to visual amenity and character of the area, unsustainable development) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. 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.

2 The proposed loss of mature soft landscaping in the southern car park together with associated lighting would result in a reduction in the quality of the landscape. The current landscape serves to provide a setting, screening, and buffer of the office/residential development from the adjacent countryside. Development of the site would further erode the essential parkland landscape character of the business park and former hospital grounds and would result in visual harm and as such would be contrary to the NPPF which expects proposals take account of the different roles and character of different areas, and improve the character and the quality of an area. As such the proposed development would fail to respect the character of the area and cause harm to the visual amenity and open character and therefore would conflict with Policy SP3 and GP1 of the City of York Council Development Control Local Plan (2005) and contrary to the core principles and part 7 of the National Planning Policy Framework.

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:

- Considered the applicant's submissions in support of the application.
- Request further information and clarification from the agent

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

Contact details:

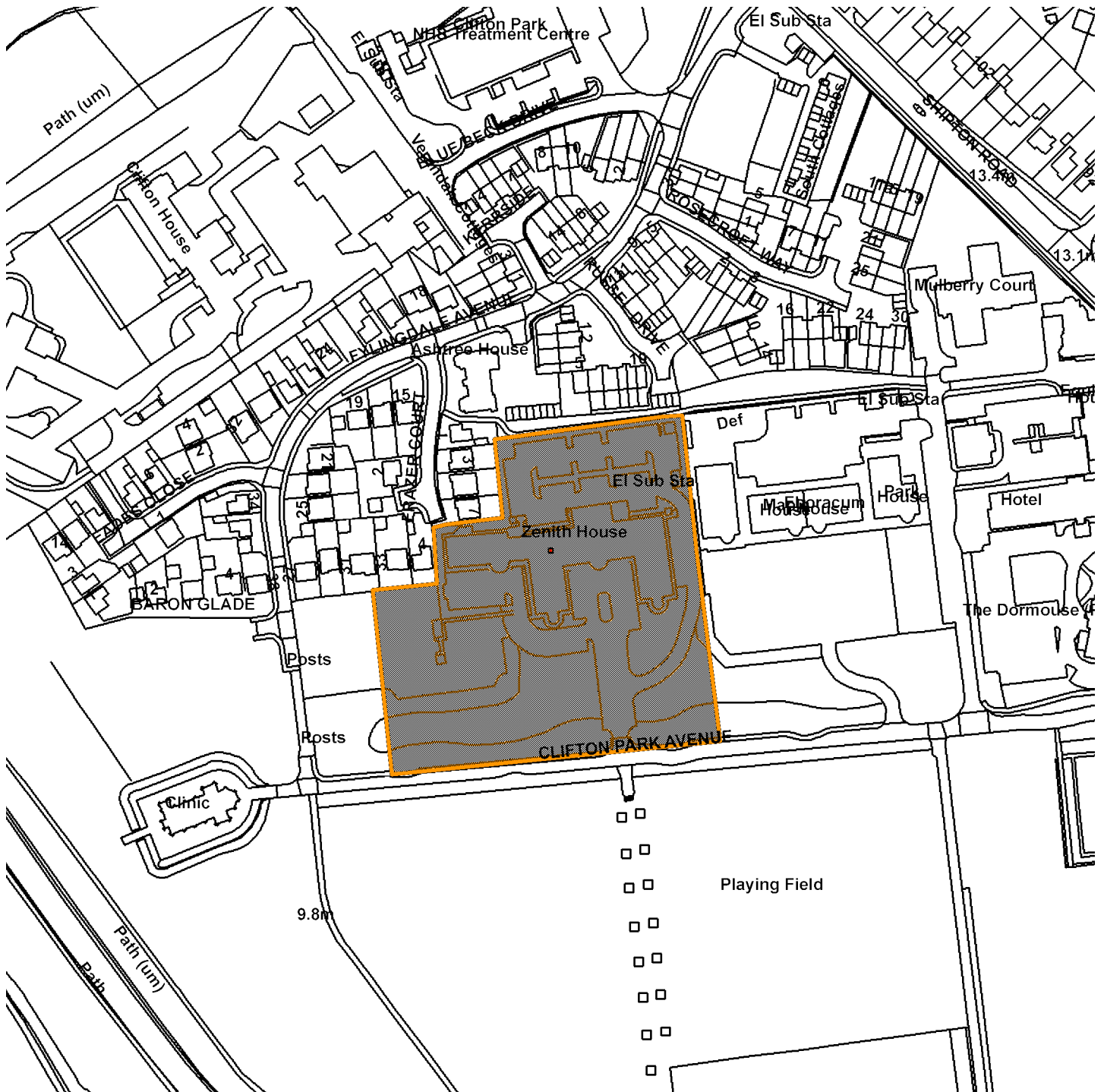
Author: Victoria Bell Development Management Officer

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16/00957/FUL

Zenith House, Clifton Park Avenue, York



Scale : 1:2370

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Organisation	City of York Council
Department	CES
Comments	Site plan
Date	09 August 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 18 August 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 16/01263/FULM
Application at: Herbert Todd and Son Percy's Lane York YO1 9TP
For: Erection of 2no. student accommodation blocks, part 3-storey, part 4 storey, comprising of 106no.units following demolition of existing buildings
By: S Harrison Developments
Application Type: Full Application
Target Date: 5 August 2016
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The site lies on the corner of Percy's Lane and Navigation Road. Currently on site is a retail premises and its car park. The buildings are part single, part two storey in scale and utilitarian in appearance. These buildings were introduced in the C20 when Percy's Lane was also widened at the east end. There was previously a glassworks on the site. A Yorkshire Water sewer passes through the site which has an associated easement; this constrains re-development of the site.

1.2 Between Percy's Lane and the River Foss there is a student accommodation site with buildings which vary in height between 3 and 7 storey. The grade I listed St Margaret's Church and its grounds are on the opposite side of the lane to the application site. The church is a landmark within the area, identified as such in the conservation area appraisal. Along Navigation Road is housing. The mid C20 blocks of houses opposite the site are predominantly 3-storey, but set lower than the road. Travelling south towards Walmgate is later C20 housing development - 2-storey on the west side which is directly accessed from the street, blocks of flats on the opposite side which go up to 4-storey.

1.3 The site is in the Central Historic Core Conservation Area ('character area 16: Outer Walmgate') and the nationally designated City Centre of Archaeological Importance. The site is in the city centre, as defined in the Draft 2005 York Local Plan and is identified as being at risk of flooding.

PROPOSALS

1.4 Demolition of the existing buildings are proposed, to be replaced by a student accommodation development which would include a mix of townhouses and cluster apartments accommodating 106 students overall. The site would have controlled access and ancillary facilities such as cinema, gym and laundry.

1.5 There would be one building next door to Foxtan House (on Percy's Lane) and a second block which would turn the corner. The buildings would follow the line of the street and have a triangular shaped landscaped area in the courtyard area behind. The proposed gap in the Percy's Lane frontage is a consequence of the sewer and the required easement. The building would be 4-storey along Percy's Lane, and 3-storey along Navigation Road. Along Navigation Road the building would step up to follow the contours of the land as it rises between the river and Walmgate.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area
- Conservation Area: Central Historic Core
- Contaminated Land GMS Constraints
- Flood-zone 2

Relevant Local Policies

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan 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. The relevant draft policies applicable to this application include

2.3 Relevant Draft Local Plan 2005 Policies:

CYED10	Student Housing
CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology

CYT4	Cycle parking standards
CYL1C	Provision of New Open Space in Development

2.4 Emerging Local Plan - The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. 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 that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant plan policies include;

SD1	Sustainable Development
H1	Scale of Housing Growth
ACHM1	Balancing the Housing Market
ACHM5	Student Housing
DH1	Design & Historic Development
DHE2	Heritage Assets
DHE5	Streets & Spaces
DHE6	Conservation Areas

2.5 The National Planning Policy Framework (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 and it is against this policy Framework that the proposal should principally be addressed.

2.6 A key emphasis of the NPPF is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). A footnote to paragraph 14 gives examples of policies where the presumption in favour of sustainable development does not apply. They include policies relating to designated heritage assets and locations at risk of flooding. Both of these policy areas are relevant to the current application. Therefore, in this case, the presumption in favour of development does not apply. Instead, the application should be judged against, among other things, policies in sections 10 and 12 of the NPPF, which are specific to these areas (flood risk and heritage assets respectively) and which are considered later in this report.

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT

Urban Design & Conservation

3.1 The current buildings on site generally make a negative contribution to the conservation area both because of their low architectural quality and their lack of contribution to the street. They are low intensity and low scale so afford generous viewing of the church from the north approach, but this is by coincidence rather than design. The following aspects of the design have been supported –

- Street elevation designed as terraced dwellings with individual front doors. This will help add vitality to the street scene and is a much more positive urban type compared to the usual single or limited communal entrances (often off private rear/side space) for student accommodation.
- Varied roofline and a stepped approach to townscape on a sloping site, rather than taking a “maximum height” and levelling the roof across the site.
- Creating better enclosure to the street. The current buildings on site generally make a negative contribution to the conservation area both because of their low architectural quality and their lack of contribution to the street. They are low intensity and low scale so afford generous viewing of the church from the north approach, but this is by coincidence rather than design.
- The contribution to the continuation of an evolving new urban block of predominantly student accommodation, generally high quality of its type.

Officers had raised concern over the following -

- The setting of St Margaret’s church, particularly with respect to the impact on unfolding views of the church when approached from the north, heading southwards along Navigation Rd. It was accepted however that some limiting if this identified view would be an inevitable consequence of developing the site in a more appropriate and logical urban way (which should be a supported approach in principle)
- Bulk and massing of the proposed building, particularly how this affects the context of buildings on Navigation Rd which are mostly lower than the proposal
- Impact of a raised walkway on the street scene created predominantly so to accommodate bike and bin storage within the plinth of the building

3.2 A reduction in the height of the plinth, moving the bin/cycle store from under the building and a review of the corner treatment to loose bulk were identified as key design areas that could achieve a better solution. Subject to an amendment to address either of these issues, whilst still achieving an appropriate skyline to the building, officers concluded that the scheme would have their support. It was also suggested that the hanging bays be in brick rather than rosemary tiles, so not to use too many materials.

Archaeology

3.3 This site is situated within the Central Area of Archaeological Importance. Archaeological deposits and features dating from the Roman-medieval period are known to survive in this area.

3.4 The desk-based assessment carried out on this site states that previous development and archaeological investigations in the immediate vicinity suggest that the uppermost 2m of deposits on the site are likely to be of 19th and 20th century date. Towards the southeast corner of the site the ground surface lies at a reduced level, relative to the adjacent street. It is in the south-east corner where the archaeological investigations are recommended. Officers recommend a planning condition to require an investigation (a trial trench will be analysed) and if necessary as a consequence of the investigation, excavation may be required.

FLOOD RISK MANAGEMENT

3.5 Officers have no objection to the scheme and recommend it is a condition the development be carried out in accordance with the revised flood risk assessment and drainage strategy.

PUBLIC PROTECTION

3.6 Due to the proximity of sensitive uses, officers ask for the following conditions:-

- A construction management scheme to be approved and adhered to.
- Hours of construction limited to standard hours (with no working on Saturday afternoons and Sundays).
- Details of any mechanical equipment that could be heard outside the site to be agreed

3.7 Due to the historic uses on site (notably a glassworks) there is potential for land contamination. A site investigation is required followed by any required remediation to be agreed and undertaken.

PUBLIC REALM

3.8 Based on the 2014 Local Plan Evidence Base - Open Space and Green Infrastructure Final Report there is a shortfall of amenity open space in Guildhall Ward of -2.74ha. This development will increase this short-fall. However no off-site mitigation is being sought as more than five contributions from developments in the locality since 2010 have already been made. As such to seek a financial contribution would not be compliant with the planning (CIL) regulations.

EXTERNAL

CIVIC TRUST

3.9 Whilst having no objections to the continuing transition of this part of York from business to student quarter, the committee has reservations about the scale of the proposals and high density of this development which is situated adjacent to existing public housing and will adversely impact the streetscape and views of the grade I listed former church.

3.10 The committee is also concerned about the adequacy of archaeological investigation included in the proposals. The assessment of the archaeological potential of the site has indicated that the site may contain features of Roman, Anglo-Scandinavian, medieval and post-medieval/early modern date. Although proposals include piling to limit destruction of archaeological evidence to 5% of the site, it is unfortunate that this development does not seek to increase understanding of this historically important part of the city by more extensive site investigation.

HISTORIC ENGLAND (HE)

3.11 HE updated their position in a letter dated 19 July 2016. They have concern that the building, due to its footprint and height would harm the setting of the grade I listed St Margaret's Church.

3.12 HE considers that the proposed redevelopment of this site has the potential to enhance the over-all aesthetic value of this site within the conservation area, which is an important part of the setting of St Margaret's Church.

3.13 However HE is of the view that there would, nevertheless, be harm to the setting of the Grade I listed former church; due to the curtailment of the evolving view of the church from the north, because the proposed building would be too close to the back of pavement line, especially at the corner. HE also considers the building is taller than is desirable in order to maintain the dominance of the church in the townscape.

ENVIRONMENT AGENCY

3.14 No objection provided the development be carried out in accordance with the provided FRA and drainage proposals.

SAFER YORK PARTNERSHIP

3.15 No concerns raised. Officers note that the development will be provided with good security measures; access control, CCTV coverage, lighting, secure inner communal courtyard area, secure windows and doors, secure cycle stores and general management of the site.

GUILDHALL PLANNING PANEL

3.16 Object on the following grounds:-

- This is an overdevelopment and there is no landscaping.
- Trees and porous surfaces would help prevent flooding.
- Consider there has been harm to the area, to the detriment of local residents, as a consequence of all the student accommodation, which is now dominant and has changed the nature of the area from residential/business to predominantly student living.

YORKSHIRE WATER

3.17 No objection on the basis that the development be carried out in accordance with the drainage proposals provided. It is noted the sub soil conditions would not accept soakaway and the surface water run-off rate should be restricted as proposed.

PUBLICITY

3.18 One comment has been received, from the National Centre for Early Music, based at St Margaret's Church opposite.

3.19 There is no objection in principle and it is acknowledged that potentially the development could improve the area. Concerns are over the scale of the proposed building and potential amenity effects during construction.

- The buildings will be disproportionately massive and severe, out of keeping with those around them, including St Margaret's Church, a Grade 1 listed building.
- Construction will potentially impact on the commercial operations at the music centre. Previous developments in the locality have caused harm. The venue is used as a wedding reception venue - which is vital to financial

viability, and the 2017 July Early Music Festival will run from 7-16 July. It is requested heavy construction should not occur without agreement on Saturdays and during the festival time.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Principle of the proposed use and vitality of the city centre
- Design, visual impact, heritage assets
- Residential Amenity
- Flood Risk
- Highway Network Management
- Sustainability
- Archaeology
- Open space
- Contamination

PRINCIPLE OF THE PROPOSED USE / VITALITY OF THE CITY CENTRE

4.2 In principle the scheme would be consistent with national policy in the NPPF with regards city centres and residential developments.

4.3 Section 2 of the NPPF: Ensuring the vitality of town centres states planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It recognises that residential development can play an important role in ensuring the vitality of centres and should be encouraged on appropriate sites.

4.4 Local policies in the 2005 Draft Local Plan (DCLP) are consistent with the NPPF in that they seek to improve the vitality and viability of the city centre and promote residential development at appropriate and underused sites.

4.5 Section 6 of the NPPF: Delivering a wide choice of high quality homes states housing applications should be considered in the context of the presumption in favour of sustainable development.

4.6 DCLP policy ED10 relates to student housing. ED10 advises that proposals for off-campus residential accommodation will need to meet the following criteria -

- There is identified need
- The universities are accessible from the site
- The development is of appropriate design
- The would not be a detrimental impact on nearby residents

4.7 The Emerging Local Plan states that students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. Policy ACHM5: Student Housing states that *“student accommodation should, where possible, be on campus, or in locations with good public transport, walking and cycling links to the institutions they are intended to serve. Student accommodation should be purpose-built and designed and managed in a way that attracts students to take it up”*.

4.8 The site is an appropriate city centre location for housing, compatible with its surrounds. The immediate surrounding area is predominantly residential rather than a commercial area where retail or bars and restaurants dominate. The site has good walking and cycling connections to the universities and is close to a frequent bus route to the university.

4.9 This part of the city, around Walmgate/Fossgate, has a diverse range of independent commercial uses and this trend has continued alongside recent regeneration schemes, where new residential and student development has increased the local population. The area is vibrant and makes a significant contribution to the vitality of the city centre. Regeneration, including student development, has made a positive contribution to this part of the city, in terms of meeting national policy objectives for city centres and ensuring their vitality.

4.10 The scheme does not conflict with the draft local plan policies on student accommodation. With regards need, purpose built student accommodation still does not provide accommodation for over half of the student population in the city. There is no evidence from the market or from council policy or evidence base there is not a need for this type of accommodation. The location of the accommodation and its type i.e. purpose built with consideration of security is compliant with both existing and emerging local policies on student accommodation. It is noted also that internal partitions within the building could be altered in future to accommodate other types of residential accommodation if there were market demand.

DESIGN / VISUAL IMPACT / AND IMPACT ON HERITAGE ASSETS

4.11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“1990 Act”) imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must

give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The application must be judged on this basis.

4.12 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, and conservation areas as “designated heritage assets”. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131 of the NPPF, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset’s significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

4.13 Paragraph 132 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

4.14 Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply”

4.15 Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

4.16 Paragraph 135 requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application.

4.17 Relevant national design guidance is within the NPPF and discussed further in National Planning Policy Guidance (the NPPG). CABE and English Heritage publication: Building in Context is also nationally recognised design advice. The policies and guidance require consideration of layout, form, scale, detailing and materials; schemes should achieve the following: -

- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it

- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.
- Be functional, adaptable and resilient, and attractive, with a distinctive character

4.18 Historic England has raised concern over a partial loss of the evolving view of St Margaret's Church tower along Navigation Road that would occur should the development go ahead. HE recommended the building is lower and setback from the pavement edge at the corner.

4.19 The existing views of the church HE refer to were introduced in the later C20 as a consequence of demolition of buildings and the widening of the lane where it meets Navigation Road. Historically Percy's Lane was narrower and there were buildings on the corner of Percy's Lane and Navigation Road.

4.20 The site as existing detracts from the character and appearance of the conservation area. It is out of character and unattractive as the building lacks an active frontage and the site is dominated by hard-standing and car parking, it lacks meaningful landscaping.

4.21 The proposed building line follows those established along the north side of Percy's Lane and the West side of Navigation Road. The layout is also influenced by the sewer (and its easement) which runs through the site, as it has at the completed St John's student accommodation behind. The proposed layout is appropriate in design terms as it fits with the urban grain and would provide an animated and active frontage onto the street.

4.22 The applicants have provided analysis which demonstrates views of the church in its entirety would be lost for a distance of around 18m along Navigation Road. This in isolation would cause a low level of harm to the setting of the church. However, 18m is a short stretch along the road overall (as demonstrated on the applicant's analysis plans). Views of the east end of the church and its grounds would remain apparent in views along Navigation Road. To preserve the existing view would involve setting the building back, in a similar manner to the blocks of development opposite, or to require a single storey building on the Navigation Road frontage, which would appear uncharacteristic in isolation on this side of the street. To set only the curved corner of the building back, as suggested by HE, would not have a material impact in views of the church from Navigation Road.

4.23 On the west side of Percy's Lane the street is enclosed by brick buildings which front directly onto the street: the former Ward's warehouse building (4-storey), student accommodation (3 and 4 storey high) and the recently completed Indigo hotel (3 storey). The east side of the lane is more open, due to the car park at the application site and the church and its grounds opposite.

4.24 The proposed building would be 4-storey in height facing Percy's Lane. The proposed ridge level would be level with that of Foxtan House (student accommodation building next door). The corner block would be curved, calm in appearance and 3-storey. Since consultation responses the building proposed along Navigation Road has been partially lowered in scale, which has relocated storage initially proposed under the building. The building would step down in scale, following the topography of the street; it would be 3-storey, as is the existing student block next door and the mid C20 housing opposite.

4.25 The buildings proposed would be of comparable scale to their neighbours and would help moderate the mass of the taller student blocks behind, in views from the public realm.

4.26 The scheme has been designed by the architect's responsible for recent regeneration schemes along Percy's Lane; the student accommodation blocks, the Press offices and the Indigo hotel. The detailing of the proposed buildings are of a similar language and the materials proposed; red brick, slate, red clay tiles and zinc would be respectful of both the recent development in the area and the church and the mid C20 housing blocks on the East side of Navigation Road.

4.27 There will be a view of the grade I listed church lost from Navigation Road, but this would only be for a short duration; some 18m in length. This is less than substantial harm in isolation which, even when attaching significant weight to the desirability of sustaining and enhancing the church's significance, is outweighed by the following benefits to its setting and the character and appearance of the conservation area, and the public benefits of improving the vitality of the city centre and providing needed housing in a sustainable location:-

- The site as existing detracts from the character and appearance of the conservation area.
- The proposed building would follow the urban grain and topography of the setting. The layout, scale and design of the proposed buildings are compatible with the setting and follow national design advice as set out in paragraph 4.12.
- The building would moderate the scale of the 6 storey student building behind in public views, provide active frontages and improve the streetscape.

- The corner building is curved and calm in appearance. It is 3-storey, similar in height to its neighbours, and would not unduly compete with the church for attention. Whilst there would be a loss of view of the church in its entirety, its east end and grounds would still be apparent in the affected approach and the understanding of its setting would not be compromised. In other views the setting of the church would be improved by the re-development of the site proposed.
- There are wider public benefits from the scheme. What will become a vacant site when the current occupants relocate will be re-developed. The scheme proposed will bring a needed housing type in a sustainable location, which would make a positive contribution to business and the vitality of the city centre.

RESIDENTIAL AMENITY

4.28 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. DCLP policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.29 The proposed building would be of comparable height to the existing student accommodation on Navigation Road and maintain the already established separation between buildings which is around 17m in length. There would be no undue overshadowing of neighbours and the proposed building would not appear over dominant.

4.30 The student accommodation behind the site (Pullman House) overlooks the application site looking towards Percy's Lane. Where it is behind Foxtan House the buildings are around 7m to 10m apart. The proposed block would be between 8m and 9m from Pullman House. Again the separation distances proposed between buildings would be typical of the locality and reasonable in considering future occupants amenity.

4.31 A construction management plan can be agreed with the developers should the scheme go ahead, which would take reasonable steps to manage the impact of construction. The applicants advise they will adhere to the Considerate Constructors scheme also.

4.32 The applicants have advised their programme of works, subject to planning, would have piles installed before the music festival in July 2017 and that it is unlikely work will take place outside of weekdays on a frequent basis, usually this may only take place once the building is watertight and nearing the end of the project where fit-out works (a quiet activity) can be undertaken inside the building.

FLOOD RISK

4.33 Parts of the north side of the site are currently classified as being in Flood Zone 3 and the area where the car park is and the building which faces onto Navigation Road are in Flood Zone 2.

4.34 Because of the flood risk classification of the site and as the proposed use is classed as highly-vulnerable for a scheme to be acceptable the sequential and exception tests must be passed and a site specific FRA is required to demonstrate the development would be safe from flooding for its lifetime and that there would be no increase in flood risk elsewhere.

4.35 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding (paragraph 101).

4.36 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 (FRA), and following the sequential test, it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant (paragraph 103).

Sequential and Exception Tests

4.37 Ground levels on site are around 1.5m higher than the student accommodation site to the north (which is in flood zone 3), between the application site and the river. Despite the classification of the site it is actually at low risk from flooding. The Environment Agency's projected flood level for the 1 in 100 year storm event is 10.01m AOD and for the 1 in 100 year + 30% allowance for climate change is 10.94m AOD. The lowest level within the site is 11.11m AOD.

4.38 The EA maps are not always up to date or accurate, this is acknowledged in York's Strategic Flood Risk Assessment and the application site would, based on the topographical survey, be classed as flood zone 1. To allow re-development of the site accords with national policy on flood risk, as it would in fact develop a site where flood risk is low.

4.39 With regards the exception test, the site would be reasonably safe from flooding and would not increase flood risk elsewhere (this is explained in the following paragraphs). As such, and because the proposals have wider sustainability benefits; regenerating what will become a vacant site with a scheme which would not harm the appearance of the area and would provide housing of which there is identified need, there are benefits which mean the exception test is passed.

Making the development safe from flood risk

4.40 NPPG advice is that for a development to be safe there should remain access and egress during the 1 in 100 year flood. The York SFRA recommended floor levels are at least 600mm above the 1 in 100 year flood level.

4.41 The building would have multiple access points. The lowest proposed access/egress point would be along Navigation Road which is at 10.6 AOD. This is above the 1 in 100 flood level of 10.01 AOD. The lowest FFL would be 11.25 AOD and this exceeds the recommended minimum finished floor levels.

Flood risk elsewhere

4.42 In accordance with DCLP GP15a: Development and Flood Risk, surface water run off from the site will be reduced in relation to the existing rates. The proposals are to reduce the existing rate by 30%. The reduction would be achieved as a consequence of providing some 40m³ underground storage and reducing the existing litres per second discharge rate.

HIGHWAY MATTERS

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.

4.44 DCLP policy T4 seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.45 The development would have accessible apartments in the rear of the smaller block.

4.46 The proposed cycle provision has lowered as a consequence of reducing the height in part of the building. It is proposed initially there would be 25 spaces for the 106 students which could increase up to 40 with the provision of two tier storage. The storage would be covered and secure; it would also be out of sight from the public realm and in an area where access is restricted, which would deter theft.

4.47 In other student schemes potential provision has typically been 50% cycle provision. Despite providing covered and secure spaces at other student accommodation in the area, the applicants monitoring of development has been 50% provision far exceeds need. This is credible evidence and officers are content the provision proposed is reasonable for the proposed use.

4.48 The site has two car parking spaces. To offer accommodation without parking is an approach that has been accepted at the other student developments in this area. Officers are not aware of any evidence this has lead to any illegal parking off site that has had an adverse impact on highway safety.

SUSTAINABILITY

4.49 Current local policy is that a building of the scale proposed achieves a rating of BREEAM Very Good at least. This would be secured through a planning condition.

4.50 The application is supplemented by a sustainable design report which outlines the approach for the proposed buildings. The approach is designed to ensure the building will achieve the required BREEAM standard. Mechanical ventilation will be used to limit energy demand and energy efficiency embedded in the building fabric and water demand. A condition will ensure compliance with policy and that the BREEAM target is achieved.

ARCHAEOLOGY

4.51 The site is within a nationally designated area of archaeological importance. DCLP policy HE10: Archaeology requires archaeological deposits of national importance to be preserved in situ. To fulfil this requirement developers are required to undertake a site investigation to assess archaeological value. Sites should be developed so valuable deposits are retained in situ; at least 95% of archaeological deposits should be preserved, or excavated.

4.52 The proposal would be compliant with DCLP policy (HE10) as no more than 5% on site archaeology would be destroyed. In addition to the desk based assessment carried out to date, there would be further site investigation (SI) prior to building works. The SI would determine any further mitigation required, such as a watching brief on groundworks or the need excavation. The approach and CYC agreement to the mitigation would be secured through a planning condition.

OPEN SPACE

4.53 The NPPF states access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Assessment of need for open space should be based upon robust and up-to-date assessments of supply and demand in the local area.

4.54 The local evidence base on open space and green infrastructure amec report dates from 2014. The report identifies a deficit of natural and amenity space in the central area, which includes the Guildhall Ward. The local approach to defining the amount of open space required as a consequence of development is detailed in the June 2014 draft supplementary planning document (SPD) Commuted Sum Payments for Open Space in New Developments.

4.55 Based upon the SPD (although using the figures which relate to dwellings and not specifically student housing), the development proposed would generate the need for some 954 sq m of amenity space. The document advises that it is on a case by case basis as to whether open space is sought on or off site.

4.56 The site is 1,600sq m in area and roughly 200 sq m is shown on the proposed plan as amenity space. It would not be possible to meet the full policy requirement for open space on site and viably re-develop the site.

4.57 An off-site contribution must comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010, which requires planning obligations to be necessary to make the development acceptable in planning terms. Regulation 123 prohibits a contribution if there have already been 5 or more separate obligations since April 2010 which provide funding or provision of that project or type of infrastructure.

4.58 As such an obligation towards off site provision cannot be required, as more than 5 obligations have already been secured towards open space in the locality since April 2010. The council are not able to identify any specific projects that would meet the national tests regarding planning obligations. For the same reasons, whilst there is also a shortfall of sports provision in the locality, an off site contribution would not comply with the Community Infrastructure Levy Regulations 2010.

4.59 Given the amount of on on-site space proposed, considering viability, and the inability to request an off site contribution to make up the shortfall (based on the figures within the June 2014 draft SPD,) the scheme could not be reasonably be refused on the grounds of lack of open space; as to do so would be in conflict with the pro-active approach embedded in the NPPF.

CONTAMINATION

4.60 The NPPF states that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

4.61 A site investigation has been undertaken which proposes remediation (a cover system above the made ground) to make the site fit for occupation. This would be secured through a planning condition and suitable wording has been provided by council's Public Protection officers.

5.0 CONCLUSION

5.1 The application site is underused and the proposed replacement student accommodation, which would achieve a BREAAAM rating of very good, would have a positive effect on the vitality of this part of the city centre. As such in principle the proposals are compliant with national and local policies on the vitality of city centres and housing.

5.2 There would be a low adverse impact on the setting of the grade I listed church. This is less than substantial harm which, even when attaching significant weight to that harm, as required by the 1990 act, would be clearly outweighed by the public benefits referenced in 5.1, and as re-development would otherwise improve the character and appearance of the conservation area.

5.3 The use of conditions can ensure the scheme accords with national and local planning policy in respect of amenity, risk from flooding and contamination, archaeology and the highway network. Approval is recommended.

COMITTEE TO VISIT

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:-

Drawings PLY 3055

Site plans - P11-01C,

Floor plans - P11-04e, P11-05c, P11-06c, P11-07c, P11-08c,

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Elevations and sections – P12-01c, P12-02c, P13-02c, P13-03c, P13-04c, P13-05c, P14-03b

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

3 Construction Environmental Management Plan

Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the 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.

NOTE: 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, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Proactive monitoring should 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).

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.

There should be 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.

4 Land contamination

Site investigation

Prior to commencement of development (apart from demolition of existing buildings), 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 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'.

Remediation Scheme

Prior to commencement of development (apart from demolition), 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 approved in writing by 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.

5 Archaeology

Apart from demolition, no development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority.

A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the works.

If, following the carrying out of the archaeological evaluation, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before construction of development hereby approved is commenced.

The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the Local Planning Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within a designated area of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

6 Drainage

The development shall be carried out in accordance with the details shown on the submitted Ward and Cole Proposed Drainage Strategy Plan - drawing 10-4723 SK-500 (Revision A) dated 03/08/2016 and the Flood Risk Assessment and Drainage Strategy 10/4723 (Revision A) dated April 2016, unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interest of satisfactory and sustainable drainage and to mitigate against flood risk.

7 Materials

Samples of the external materials to be used (including those for gates/railings and the bin store enclosure) shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the buildings. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the pertinent building. 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.

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 their sensitive location.

8 Large scale details

Large scale details, including confirmation of external materials, 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.

- a) Typical sections through the building where it fronts onto Navigation Road and Percy's Lane and where it curves around the corner.
- b) Entrance gates/railings
- c) Rainwater goods

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

9 Times of construction

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 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of local residents

10 Verification of Remedial Works

Prior to first occupation or use of the development hereby permitted, 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.

11 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.

12 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (with hard and soft measures following the principles shown on the approved

site/ground floor plan) which shall illustrate the number, species, height and position of trees and shrubs to be planted and detail works to the surrounding footpath and vehicle entrance.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion 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.

Reason: In the interests of the character and appearance of the conservation area and so that the Local Planning Authority may be satisfied with the overall appearance and variety, suitability and disposition of species within the site.

13 Cycle / bin storage

The cycle (25 spaces) and bin storage facilities as shown on the approved plans shall be provided in accordance with the drawings prior to occupation.

Cycle parking facilities shall be covered and secure, provided in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed by the Local Planning Authority.

Reason: To promote sustainable modes of transport and in the interests of visual amenity, in accordance with policies GP1, GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

14 BREEAM

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. 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 and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

15 Plant / machinery

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, that would exceed background noise levels beyond the application site, shall be submitted to the local planning authority for approval prior to installation. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall only be used on the site in accordance with the approved details and shall be appropriately maintained thereafter.

REASON: To safeguard the amenity of occupants of neighbouring premises

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.

16 Cycle parking - future provision

The use of the staff and visitor cycle storage for the student accommodation shall be monitored and the trigger point for the installation of additional spaces, as shown on the approved plans, shall be approved in writing by the Local Planning Authority within 6 months of first occupation of the student accommodation. Future provision shall thereafter be installed in accordance with the approved details.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

17 Flood risk

The development hereby permitted shall be carried out in accordance with the following flood risk mitigation measures –

Finished floor levels shall be set no lower than 10.94AOD

Future occupant shall sign up to the EA flood warning service (or equivalent)

Flood resilient construction –

- Non-return valves on foul & surface water drainage connections to prevent back flow.
- Engineering bricks and pressed facing bricks to be used on external walls below 10.94AOD.

Reason: To ensure the development is safe for its lifetime in accordance with section 10 of the NPPF.

18 Student accommodation only

The development hereby approved shall be occupied only for the purposes of student accommodation by either students engaged at all times in full-time or part-time further or higher education courses within the City of York administrative boundary or by delegates at all times attending courses or conferences within the City.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, in accordance with Policy H2a of the City of York Draft Local Plan.

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: provided pre-application advice, requested revised plans to address concerns over design and through the use of planning conditions.

Foul and surface water drainage: Yorkshire Water

The developer's attention is drawn to Yorkshire Water comments, which were that they had no objection to the proposals provided:

- The proposed building stand-off shown from the public sewer centre-line i.e. of 5 metres from the sewer centre line (YW have accepted the encroachment from the building to the east).
- The proposed separate systems of drainage on site and off site.
- The proposed amount of domestic foul water to be discharged to the public foul sewer.
- The proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 15.6 (fifteen point six) litres/second).
- The proposed points of discharge of foul and surface water to the respective public sewers.

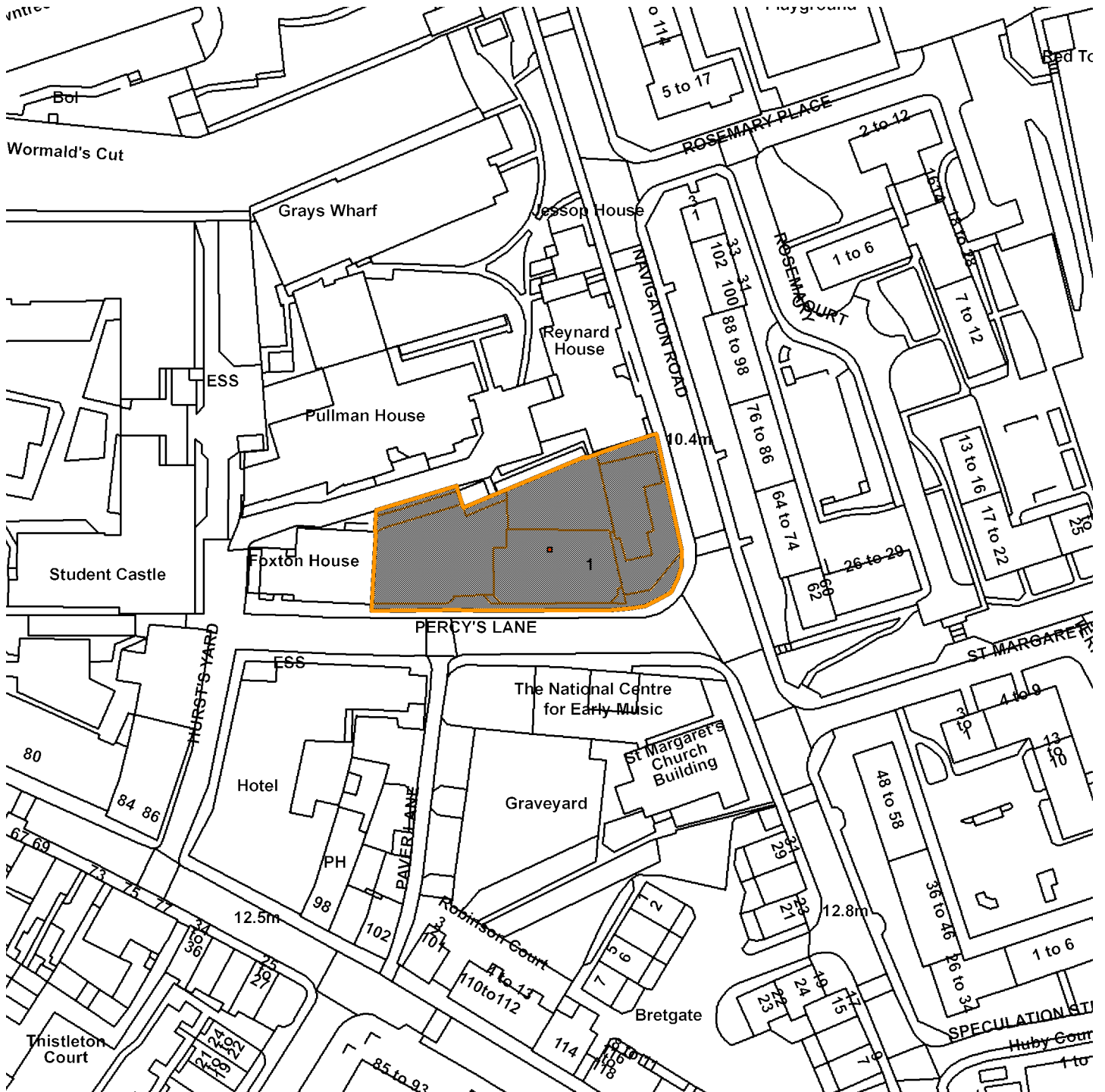
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

16/01263/FULM

Herbert Todd and Son, Percys Lane, York



Scale : 1:1185

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Organisation	City of York Council
Department	CES
Comments	Site plan
Date	09 August 2016
SLA Number	Not Set

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Area Planning Sub Committee

4 August 2016

Planning Committee

18 August 2016

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 April and 30 June 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to 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 appeals 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 includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 April to 30 June 2016, Table 2 shows performance for the 12 months 1 July 2015 to 30 June 2016.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/04/16 to 30/06/16 (Last Quarter)	01/04/15 to 30/06/15 (Corresponding Quarter)
Allowed	0	0
Part Allowed	0	0
Dismissed	7	9
Total Decided	7	9
% Allowed	0%	0%
% Part Allowed	0%	0%

Table 2: CYC Planning Appeals 12 month Performance

	01/07/15 to 30/06/16 (Last 12 months)	01/07/14 to 30/06/15 (Corresponding 12 month period)
Allowed	4	11
Part Allowed	0	2
Dismissed	27	26
Total Decided	31	39
% Allowed	13%	28%
% Part Allowed	-	5%

Analysis

- 4 Table 1 shows that between 1 January and 31 March 2016, a total of 7 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 0 was allowed and 0 part allowed. At 0% 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 0 were allowed (0%), 0 were part allowed (0%). One of the appeals allowed between 1 April and 30 June 2016 related to a “major” application.
- 5 For the 12 months between 1 July 2015 and 30 June 2016, 13% of appeals decided were allowed, again well below the national average, and below the previous corresponding 12 month period of 28% allowed.
- 6 The summaries of appeals determined between 1 April and 30 June 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 one appeal was determined following refusal at sub-committee.

Table 3: Appeals Decided 01/01/2016 to 31/03/2016 following Refusal by Committee

Ref No	Site	Proposal	Outcome	Officer Recom.
15/00462/FULM	Former Garage Site, 172 Fulford Road	Erection of Petrol Filling Station	Dismissed	Refuse

- 7 The list of current appeals is attached at Annex B. There are 13 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 8 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

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

Council Plan

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

Implications

- 11 Financial – There are no financial implications directly arising from the report.
- 12 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.
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 16 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

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Mike Slater
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Services, Planning & Regeneration,
Directorate of City and Environmental
Services

**Report
Approved**



Date 25 July 2016

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 April and
30 June 2016**

Annex B – Outstanding Appeals at 25 July 2016

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Appeal Summaries for Cases Determined 01/04/2016 to 30/06/2016

Application No: 15/00462/FUL
Appeal by: Valli Forecourts
Proposal: Erection of petrol service station with retail unit
Address: Former Garage Site 172 Fulford Road York YO10 4DA

Decision Level: CMV
Outcome: DISMIS

The appeal was against the refusal of a new petrol filling station and retail shop within Fulford Road Conservation Area. There were three reasons for refusal: the petrol filling station would be untypical of the grain of development within the conservation area and harmful to its character or appearance. The development would harm the setting of the adjoining listed building and affect the significance of a non-designated heritage asset; detrimental to the outlook of 19 to 22 Alma Grove to the rear of the site. The Inspector agreed with all three reasons for refusal. In the case of the harm to heritage assets the Inspector found no public benefits sufficient to outweigh the harm identified.

Application No: 15/00980/FUL
Appeal by: Mr R Dalby
Proposal: Erection of part two storey part single storey dwelling
Address: 35C Drome Road Copmanthorpe York YO23 3TG

Decision Level: DEL

Outcome: DISMIS

The application site relates to the site of a former builder's yard within the area of "washed over" Green Belt to the south east of Copmanthorpe village centred on Drome Road. There have been two previous appeals at the site including one for the erection of a bungalow in 2008 which was allowed. The site has been used as domestic curtilage and retains no evidence of its former use as a builder's yard. An application was submitted for erection of a detached three bedroom dwelling within the remaining open section of the site directly accessed from Drome Road. The proposal was justified as being "infill" development and therefore falling within one of the categories of development identified as not being inappropriate within paragraph 89 of the National Planning Policy Framework. At the same time significant weight was placed on the earlier appeal decision from 2008 and it was argued that the proposed development would have a similar impact upon the openness and purposes of designation of the Green Belt. In determining the planning application a contrary view was however taken, in that it was felt that the proposal did not fall within the standard definition of infill as being the closing of a gap within an otherwise built up frontage. At the same time it was felt that the impact of the proposal upon the open character of the Green Belt would be significant resulting in the closure of an important view from Drome Road into open countryside beyond. Planning permission was therefore refused on that basis. In determining the appeal the Inspector gave some weight to the need to provide rural housing. However, he afforded only very limited weight to the previous appeal in respect of the erection of a bungalow and endorsed the view taken by the Local Planning Authority in terms of the definition of infill development and the impact of the proposal upon the open character of the Green Belt. The appeal was therefore dismissed.

Application No: 15/01223/FUL
Appeal by: Mr M Paley
Proposal: Erection of 1no. dwelling to rear
Address: 11 Murton Way York YO19 5UW

Decision Level: DEL

Outcome: DISMIS

The appeal was against the refusal of a house in the rear area of 11 Murton Way. The site is located within the Osbaldwick Conservation Area. The application was refused because the dwelling would disrupt the prevailing character of the conservation area (despite there being a dwelling adjoining the property in a similar location) and because of the impact of the development on the amenity of the adjacent occupiers. The Inspector agreed that the property would be at odds with the historic pattern of development and would not be representative of the grain of development in the conservation area. The siting of the adjacent dwelling did not set a precedent for allowing the appeal scheme; replicating a similar layout would only serve to exacerbate the uncharacteristic form of tandem development in this location. In relation to amenity the inspector concluded that the limited amount of traffic movements would not be sufficient to object to the development on amenity grounds.

Application No: 15/01926/LBC
Appeal by: Mr Oliver Peters
Proposal: Internal alterations including removal of partition wall and ground floor chimney breast
Address: 26 Holgate Road York YO24 4AB

Decision Level: DEL

Outcome: DISMIS

The appeal site relates to a grade II listed two storey terraced dwelling situated in the Central Historic Core conservation area. It was originally constructed around 1840 as a house and shop. Listed building consent was submitted for internal alterations to include the removal of a dividing wall and ground floor chimney breast between the kitchen and dining room. The proposals were justified by the appellants in that there had already been a number of internal alterations to the kitchen and dining room, including non-original doors, skirting and cornicing as well as a non-original fireplace in the dining room. However in determining the application the view was taken that the removal of the partition wall and chimney breast would result in a loss of the integrity of the buildings architectural and historic interest and would alter the plan form of the separate shop and residential elements. In determining the appeal the inspector noted that the significance of the heritage asset is largely derived both from the intact frontage and its historic use which is still evident in the character of the formally commercial and domestic rooms. The removal of chimney breast would result in the loss of the original cellular form of the domestic part of the original building being one of the only remaining historic pieces of fabric in this part of the house, leading to less than substantial harm. Given that the internal alterations would have no public benefit the appeal was dismissed.

Application No: 15/02256/FUL
Appeal by: Mrs Thomas Holliday
Proposal: Two storey side extension and single storey front and side extensions
Address: 12 St Peters Grove York YO30 6AQ

Decision Level: DEL

Outcome: DISMIS

A two storey side extension and single storey front and side extensions were proposed to the Victorian dwelling house located in Clifton Conservation Area in a prominent position at the head of St. Peter's Grove cul de sac. The inspector considered that the predominant character of St. Peter's Grove is one of spacious villas of which the appeal property is a well preserved example. The inspector considered that the two storey addition would, by virtue of its size and position, distort the balanced proportions of the existing front facade. Viewed alongside the considerable mass of the single storey extensions, the addition would appear bulky and incongruous, and would lead to the loss of views through the site to Grosvenor Road. The proposals would also result in a cluttered and discordant view at the head of the cul de sac on the approach along St. Peter's Grove. The inspector considered that the extensions would fail to make a positive contribution to local distinctiveness and would have an adverse effect on the character and appearance of the conservation area. With regard to the impact of the proposals on living conditions of the residents of the adjoining Ryburn House, the two storey side extension would include a window within very close proximity to an upper floor window on the adjoining property. This would result in an unneighbourly juxtaposition and the proposal would be likely to be perceived as overbearing and intrusive when within the adjoining dwelling. The inspector considered that the proposals would have an adverse impact on the living conditions enjoyed by adjoining occupiers. The appeal was dismissed.

Application No: 15/02483/FUL
Appeal by: Miss Raquel Nelson
Proposal: Variation of conditions 7 and 8 of permitted application 12/03270/FUL to allow caravan site to open and caravans to be occupied from 14th March in any one year to 14th January in the succeeding year
Address: Country Park Pottery Lane Strensall York YO32 5TJ

Decision Level: DEL

Outcome: DISMIS

The Country Park comprises a 40 pitch touring caravan park , recently fully opened lying within the Green Belt to the north of Strensall village. The site is subject to a seasonal closure between October and March in order to reduce the impact of the development upon the open character of the Green Belt. Planning permission was applied for to vary the seasonal closure to allow the site to open into early January in order to benefit from seasonal visitors to the City. Planning permission was refused on the basis that to allow the site to open in an unrestricted fashion until early January would give rise to significant harm to the open character of the Green Belt. In determining the subsequent appeal the Inspector gave some weight to the additional revenue that would be generated for the site through the further period of opening. It was however held that the proposal would materially reduce openness and that it was of itself inappropriate development within the Green Belt that would require a case for "very special circumstances" to justify permitting. In the absence of a case for "very special circumstances" that would outweigh the clear harm to the Green Belt by reason of inappropriateness as required by paragraph 88 of the National Planning Policy Framework the appeal was dismissed.

Application No: 15/02817/FUL
Appeal by: Mr M Dobbin
Proposal: Two storey extension to front and side and single storey rear extension and dormer (amended scheme)
Address: 11 Top Lane Copmanthorpe York YO23 3UH

Decision Level: DEL

Outcome: DISMIS

The application site relates to a traditional semi-detached dwelling in Copmanthorpe which has recently been granted approval for a two storey front and side extension, a single storey rear extension and modest flat roof rear dormer. The appellant decided to construct a much larger dormer than that originally approved (assuming it to be permitted development - however the amount of previous development meant that the dormer exceeded the 50m³ allowance). A subsequent retrospective application was refused on the basis that the rear dormer was of a scale and design which did not relate well to the host dwelling or neighbouring buildings. In addition its size and scale introduced a dominant and overbearing addition to the rear of the house which was considered intrusive and overpowering to neighbouring properties, in particular no. 15 Top Lane. In determining the appeal the inspector noted that due to the projection, location and scale, the dormer is likely to read as a third floor which has an overbearing impact on the outlook from the patio and gardens of no. 15. Also that whilst the dormer is not immediately obvious in public views it would be visible from neighbouring gardens and causes a limited degree of harm to the character and appearance of the host property. The appeal as dismissed.

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

Officer: Carolyn Howarth						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
12/07/2016	16/00020/REF	APP/C2741/D/16/3152836	H	12 Wheatlands Grove York YO26 5NG	Two storey side extension		
Officer: Diane Cragg						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
24/09/2015	15/00035/CON	APP/C2741/W/15/3135274	I	B And Q Osbaldwick Link Road Osbaldwick York	Use of premises as retail food store with external alterations including reconfiguration of shop front, canopy, installation of new customer cafe and associated toilets, installation of ATM`s, removal of existing garden centre and builders yard and reconfiguration of site access and customer car park		
Officer: David Johnson						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
01/06/2016	16/00015/REF	APP/C2741/W/16/3150617	W	32 Hull Road York YO10 3LP	Change of use from small House in Multiple Occupation (use Class C4) to large House in Multiple Occupation (Sui Generis) and two storey side and single storey side and rear extension with dormer to side		
Officer: Esther Priestley						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
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		

Officer: Kevin O'Connell						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
19/04/2016	16/00009/REF	APP/C2741/W/16/3147157	W	Manor Farm Towthorpe Road York YO32 9SP	Variation of condition 2 of permitted application 13/00034/FUL to alter approved plans to add a single storey side extension to plot 1		
26/09/2014	14/00036/EN	APP/C2741/C/14/2225236	P	Land At OS Field No 9122 Holtby Lane Holtby York	Appeal against Enforcement Notice dated 31 July 2014		
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		
Officer: Matthew Parkinson						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
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		
Officer: Neil Massey						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
08/07/2016	16/00021/CON	APP/C2741/W/16/3153765	W	Groves Chapel Union Terrace York YO31 7WS	Change of use of existing building with internal and external alterations to form convenience store at ground floor, 2no. flats at first floor and erection of four storey extension to rear to accommodate 14no. flats with associated car and cycle parking		
Officer: Paul Edwards						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
09/06/2016	16/00016/REF	APP/C2741/W/16/3151467	W	6 Lamel Street York YO10 3LL	Change of use from dwelling (use class C3) to House of Multiple Occupation (use class C4)		
20/04/2016	16/00010/REF	APP/C2741/W/16/3147163	W	13 Ingleton Walk York YO31 0PU	Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)		
Officer: Rachel Tyas						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
29/06/2016	16/00018/REF	APP/C2741/Z/16/3153095	W	Jamies Italian Restaurant 26 Lendal York YO1 8AA	Display of illuminated and non-illuminated signs		
29/06/2016	16/00019/REF	APP/C2741/Y/16/3153096	W	Jamies Italian Restaurant 26 Lendal York YO1 8AA	Display of illuminated and non-illuminated signs		

Officer: Sophie Prendergast**Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
12/11/2015	15/00036/REF	APP/C2741/W/15/3136728	W	Lidgett House 27 Lidgett Grove York YO26 5NE	Erection of two storey dwelling

Total number of appeals: 16

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