



## Notice of a public meeting of

### Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Warters and Pavlovic
- Date:** Thursday, 17 August 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Tuesday 15 August 2017.**

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

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

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

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

#### 2. **Minutes** (Pages 3 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on Wednesday 12 July 2017.

### 3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm** on **Wednesday 16 August 2017**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

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

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### 4. Plans List

This item invites Members to determine the following planning applications:

**a) Land Adjacent to Sewage Works at Hessay Industrial Estate, New Road, Hessay, York (17/00670/FUL) (Pages 13 - 34)**

Erection of asphalt plant with associated infrastructure [Rural West York Ward] [Site Visit]

**b) Home Lea, Elvington Lane, Elvington YO41 4AX (17/00712/FUL) (Pages 35 - 46)**

Conversion of facilities building to dwelling (use class C3) [WheldrakeWard] [Site Visit]

**c) Holly Tree Farm, Murton Way, York, YO19 5UN (17/01671/FUL)**  
(Pages 47 - 56)

Construction of realigned and widened access road and bridge (retrospective) to serve approved log cabins and fishing lake adjacent to property (resubmission) [Osballdwick and Derwent Ward]

**d) Hudson House, Toft Green, York, YO1 6JT (17/00576/FULM)** (Pages 57 - 94)

Erection of 4 buildings comprising 127 flats (C3), office (B1) use and office or restaurant (B1 or A3) uses following the demolition of existing office building. [Micklegate Ward]

**e) The Old School Business Centre, Low Poppleton, Lane, York, YO26 6AZ (17/01072/FUL)** (Pages 95 - 114)

Construction of 2 access roads onto Boroughbridge Road and Millfield Lane and a link road across the former Manor School Site in association with the redevelopment of the former British Sugar site, with associated demolition of former school buildings [Acomb Ward] [Site Visit]

**f) Rufforth Playing Fields, Wetherby Road, Rufforth, York (16/02303/FUL)** (Pages 115 - 126)

Change of use of land to a caravan and camping site. [Rural West York Ward]

**5. Urgent Business**

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

Democracy Officer

Catherine Clarke and Louise Cook (job share)

Contact details:

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

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

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

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

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

**PLANNING COMMITTEE****SITE VISITS****Tuesday 15 August 2017**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:00	Minibus leaves Memorial Gardens	
10:15	Boroughbridge Road / Low Poppleton Lane junction	4e
10:45	Hessay Industrial Estate, New Lane, Hessay	4a
12:00	Home Lea Caravan Park, Elvington Lane, Elvington	4b

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	12 July 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, Cullwick, Cuthbertson, D'Agorne, Doughty, Galvin, Looker, Shepherd, Mercer, Brooks (Substitute) and Flinders (Substitute)
Apologies	Councillors Dew and Warters

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**16. Site Visits**

<b>Application</b>	<b>Reason</b>	<b>In attendance</b>
Totalisator Board, York Racecourse, Racecourse Road, Knavesmire	To allow Members to familiarise themselves with the site.	Councillors Galvin, Reid, Shepherd

**17. Declarations of Interest**

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

Cllr Cullwick disclosed a personal non-prejudicial interest in agenda items 4a and 4b (Totalisator Board, York Racecourse) due to his supervisory role in chaplaincy.

**18. Minutes**

Resolved: That the minutes of the last meeting of the Committee held on 15 June 2017 be approved and then signed by the Chair as correct records.

**19. Public Participation**

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

**20. Plans List**

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

**21. Totalisator Board, York Racecourse, Racecourse Road, Knavesmire, York (17/00655/FULM)**

Members considered a major full application by York Racecourse for works to York Racecourse Enclosure, including repair and reconstruction of Clock Tower and Linear wings to provide upgraded toilet facilities, removal of existing canopy structure as well as installation of two canopies to provide bar, lift, totes facilities and new footpaths.

The Officer provided an update in relation to both applications submitted by York Racecourse for this meeting, highlighting that the local planning authority had not received any objections to the proposal. The following changes were noted:

- 4.26 – last sentence should read: “However this staircase is still within the building footprint and is not considered to cause any harm to the purposes of the Green Belt **or impact on its openness**”;
- 4.44 – the paragraph should read: “As such in terms of considering the requirements of the NPPF at sections 134, no harm is identified by specialist conservation officers at the Council and Historic England to the special architectural or historic interest of the **listed building or to the character and appearance of the conservation area** and thus there is no requirement to weigh any harms against the public benefits of the proposals.”;
- 5.4 – the paragraph should read: “No other harms have been identified, including to the listed building **and conservation area**. Significant enhancements are made to these buildings to secure their long term future and the



proposals to the listed building and curtilage listed buildings are supported”.

The Officer advised that Condition 14 on restriction of use should be deleted and an additional condition on construction vehicles should be included. It was also noted that an additional condition on rainwater goods should be added to both applications and conditions 4 and 5 of the main application (as well as 3 and 4 of the listed building consent application) should be re-worded due to typographical errors.

William Derby then spoke in support of the proposals, emphasising York Racecourse’s successes as a sporting venue, both in terms of the number of customers and recognitions received. Mr Derby explained that the applications submitted were part of the masterplan for York Racecourse’s modernisation, pointing out issues such as damp and flooding as well as improvements such as accessibility for families and wheelchair users that would be implemented should the applications be approved.

Members acknowledged the significance of amendments proposed and commended the applicants for their desire to improve.

Resolved:

That the application be approved subject to the conditions listed in the report as well as the amended and additional conditions below and the deletion of Condition 14 (restriction in use):

Amended Condition 4

Prior to the commencement of development, **excluding demolition works,** samples of all new external materials shall be provided to and approved in writing by the local planning authority. Materials shall include samples of all the building materials, canopies and any other fixed structure including totes, bars, lift, **louvres on the toilet blocks and new windows and doors together with** final colours and finishes of all the manufactured items and paintwork. The development shall be carried out in accordance with the sample materials so approved. The canopy colour shall match the external painted colour finish of the clock tower building.

Reason: To agree the materials prior to construction to protect the special character and setting of the listed building and conservation area.

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

Amended Condition 5

Prior to the commencement of development, **excluding demolition works**, samples of hard landscape materials shall be provided to and approved in writing by the local planning authority. These shall include paving materials, steps, handrails, guarding, drainage channels and artificial turf. The development shall be carried out in accordance with the details so approved.

Reason: To agree the materials prior to construction to protect the special character and setting of the listed building and conservation area.

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

Additional Condition: Rainwater goods

As shown on the submitted plans, unless agreed otherwise in writing with the local planning authority, the rainwater down pipes shall be enclosed within the new toilet block structures. The lower section which is not enclosed shall be of good quality cast iron or aluminium, with a painted finish. Similarly, elsewhere, any replacement rainwater goods shall be similarly of good quality cast iron or aluminium with a painted finish.

Reason: In the interests of visual amenity and to protect the special character of the listed building.

Additional Condition: Construction vehicles

Prior to development commencing, a construction traffic management plan 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 plan unless otherwise first agreed in writing by the Local Planning Authority.

The plan shall include:

- full written details for the means of access, manoeuvring and parking arrangements of any vehicles associated with the demolition, site preparation and construction phases of the development and a plan illustrating those details.
- a complaints management procedure, so that in the event of any complaint from a member of the public about delivery or construction vehicles accessing the site then the site manager has a clear understanding of how to respond to complaints received. The procedure shall detail how a contact number will be advertised to the public, what will happen once a complaint has been received (i.e. investigation), any monitoring to be carried out, how the complainant will be updated, and what will happen in the event that the complaint is not resolved.
- A procedure for keeping written records of any complaints received and actions taken, and for forwarding such details to the Local Authority every month during construction works by email to the following addresses; [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the means of access and safety of the general public who use this part of the Racecourse, and to ensure their safety this needs to be agreed prior to work commencing.

Reason:

It is considered that cumulatively there are substantial and significant public benefits of the proposals. They include supporting the Racecourse as a business which contributes significantly to the York economy, the long term preservation and enhancement of a listed building, the removal of health hazards, improving visitor access to the Clock Tower to appreciate its original purpose and workings, making the course enclosure more accessible for less mobile patrons and families, and ensuring the facilities are much less likely to be damaged in flood events.

The siting of new facilities being the canopies, bars and totes need to pass the sequential test and be located in the part of the site least at risk of flooding (on top of the embankment), they cannot be repaired and made flood proof or thus reused, the facilities need to respond to customer expectations and be located in a visible location particularly to capture income from refreshment and betting facilities by the Racecourse. The success of York Racecourse is fundamental for the vitality of York and its sporting, social and cultural significance. Without the development, the listed building will continue to be at risk of further decay and collapse with obvious concerns for public health. Further, overall this is an increase in openness in this part of the Green Belt through the overall reduction in built development amounting to 1,155 sq.m as a result of the removal of the 1950s canopy and other ad hoc structures within the site. Accordingly, the very special circumstances necessary to clearly outweigh any harm the development exist.

The proposals are therefore found to be in accordance with relevant policies and principles in the NPPF, particularly Sections 9 Green Belt, 10 Flooding and 12 Heritage Assets and DCLP policies GP1 Design, HE2 Historic Locations, HE3 Conservation Areas, HE4 Listed Buildings and HE5 Demolition of listed buildings.

**22. Totalisator Board, York Racecourse, Racecourse Road, Knavesmire, York (17/00656/LBC)**

Members considered a listed building consent application by York Racecourse for works to York Racecourse Enclosure, including repair and reconstruction of Clock Tower and Linear wings to provide upgraded toilet facilities, removal of existing canopy structure as well as installation of two canopies to provide bar, lift and totes facilities.

This report linked directly to the plans item 4a (application ref 17/00655/FULM) which had already been discussed during the meeting.

Resolved:

That the application be approved subject to the conditions listed in the report as well as amended and additional conditions below.

Amended Condition 3

Prior to the commencement of development, **excluding demolition works**, samples of all new external materials shall be provided to and approved in writing by the local planning authority. Materials shall include samples of all the building materials, canopies and any other fixed structure including totes, bars, lift, **louvres on the toilet blocks and new windows and doors together with** final colours and finishes of all the manufactured items and paintwork. The development shall be carried out in accordance with the sample materials so approved. The canopy colour shall match the external painted colour finish of the clock tower building.

Reason: To agree the materials prior to construction to protect the special character and setting of the listed building and conservation area.

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

Amended Condition 4

Prior to the commencement of development, **excluding demolition works**, samples of hard landscape materials shall be provided to and approved in writing by the local planning authority. These shall include paving materials, steps, handrails, guarding, drainage channels and artificial turf. The development shall be carried out in accordance with the details so approved.

Reason: To agree the materials prior to construction to protect the special character and setting of the listed building and conservation area.

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

Additional Condition: Rainwater goods

As shown on the submitted plans, unless agreed otherwise in writing with the local planning authority, the rainwater down

pipes shall be enclosed within the new toilet block structures. The lower section which is not enclosed shall be of good quality cast iron or aluminium, with a painted finish. Similarly, elsewhere, any replacement rainwater goods shall be similarly of good quality cast iron or aluminium with a painted finish.

Reason: In the interests of visual amenity and to protect the special character of the listed building.

Reason:

The proposals would not adversely affect the special architectural or historic interest of the buildings and there would be an enhancement of the setting and improvements in physical condition and appearance.

It is considered that cumulatively there are substantial and significant public benefits of the proposals. They include supporting the Racecourse as a business which contributes significantly to the York economy, the long term preservation and enhancement of a listed building, the removal of health hazards, improving visitor access to the Clock Tower to appreciate its original purpose and workings, making the course enclosure more accessible for less mobile patrons and families, and ensuring the facilities are much less likely to be damaged in flood events.

The proposals are therefore found to be in accordance with relevant policies and principles in the NPPF at section 12 Heritage Assets and DCLP policies HE4 Listed Buildings and HE5 Demolition of listed buildings. The application is thus recommended for approval subject to the attachment of the following conditions.

### **23. Appeals Performance and Decision Summaries**

Members received a report highlighting the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2017 and providing a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing was also included.

It was noted that the performance for Q1 had been better than the national average. The Chair congratulated the Officers and Members on this achievement.

Resolved: 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.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 4.45 pm].

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**COMMITTEE REPORT**

Date: 17 August 2017      Ward: Rural West York  
 Team: Major and      Parish: Hessay Parish Council  
       Commercial Team

**Reference:** 17/00670/FUL  
**Application at:** Land Adjacent Sewage Works At Hessay Industrial Estate  
 New Road Hessay York  
**For:** Erection of asphalt plant with associated infrastructure  
**By:** Tynedale Roadstone  
**Application Type:** Full Application  
**Target Date:** 18 August 2017  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Hessay Industrial Estate comprises a medium sized employment site of some long standing occupying a former MOD depot on land within the general extent of the York Green Belt to the north of Hessay village. Planning permission is sought for erection of a coated aggregates manufacturing plant situated within a building incorporating a mixing tower with associated chimney to be located at the western edge of the site. The site has a planning permission for erection of a fuel storage depot ref:- 10/00861/FUL dating to 2010 which was not implemented. A previous proposal incorporating an asphalt plant linked with the reinstatement of the rail head within a materially larger section of the site was submitted in 1999 but subsequently withdrawn. The total application site comprises some 7,200 sq metres in area which sets it within Schedule 2 of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations for which the application has been screened. The proposal does not require an Environmental Impact Assessment.

1.2 Subsequent to the proposal being submitted amended details have been supplied to address concerns in respect of impacts of increased traffic flows on the adjacent highway network notably the junction of New Lane Hessay with the A59 directly to the north. Such off-site works would be secured by means of a Section 106 Agreement attaching to any permission.

**2.0 POLICY CONTEXT**

See Section 4 below for full policy context.

**3.0 CONSULTATIONS**

INTERNAL:-

Public Protection:-

3.1 Continues to raise concerns in respect of potential harm from activities at the site during the evening and night time hours but otherwise raise no objection in principle to the scheme as amended subject to the imposition of detailed conditions in respect of controlling noise from later working along with the potential for light pollution. It is also recommended that any permission be conditioned to secure remediation in the event of potential land contamination.

Highway Network Management:-

3.2 Initially objected to the proposal on the grounds that it would give rise to significant harm to highway safety in respect to problems related to the capacity of the A59/New Lane junction to accommodate additional HGV traffic. The amended proposals are now supported on the basis that:-

The junction alterations have been designed to allow vehicles to clear the A59 more readily. Auto track vehicular swept paths of HGV'S demonstrate that these vehicles can pass and re-pass each other at the junction mouth. Obviously smaller vehicles will greatly benefit from the improvements.

3.3 The Highway Authority is satisfied in principle for the proposed off site works to be accepted as mitigation. This junction has been brought to our attention prior to the application but due to the limited personal injury accidents recorded, this has not attracted funding to alter the junction. Feels that the proposals maximise the manoeuvring space at the junction utilising land under highway authority control. The improvement scheme will benefit all highway users. This offer will be capped; to reduce the financial risk to the council of unforeseen costs. The works would be carried out by a section 278 agreement.

3.4 With regard to the objections raised throughout the rest of the route leading to the industrial estate.

**Access to Industrial Estate, New Road**

3.5 Turning in and out of the industrial estate requires the use of the full carriageway at the junction with the industrial estate. 2 Way movement is not achievable within the highway boundary for the largest of vehicles, even if road widening took place within highway limits. There are however a number of factors that present a different scenario to the above junction. It being on a rural road, with width of 5.2m to 5.6m on the whole, which naturally slows down larger opposing traffic; visibility is excellent from the estate up to the A59, therefore any manoeuvring vehicle can clearly see and react to vehicles approaching or turning in/out of the junction; there

is far less background traffic on New Road (87 two way movements passing) which reduces the risk of any hazard occurring; should there be an imminent vehicle turning into the estate, any exiting vehicle would have a reasonable chance of reversing back into the site if necessary on private land.

3.6 Some overrun of the footway has occurred opposite the entrance to the estate. Due to the kerbs being damaged by being over-run, CYC Highways have lowered the kerbs opposite to allow for occasional overrunning. This is an existing feature which would operate in a similar way with any conflicting vehicles.

3.7 Due to the same HGVs accessing the site we feel that the likelihood of conflicts at this access/junction is considerably less. The nature and ability once at the entrance to see oncoming vehicles approaching the junction (and waiting to allow passing) is beneficial.

3.8 The width of New Road allows for some but not all traffic to pass within the carriageway, however, visibility is such that vehicles are able to position themselves appropriately in order to pass each other at a reduced speed. This is an existing situation affecting all traffic and very common in such environments. It is also noted that due to the lack of available destinations on route, the level of pedestrian activity will be limited and it is not considered that the traffic from the planning application presents an unacceptable or hazardous situation.

Strategic Flood Risk Management:-

3.9 Was consulted with regard to the proposal on 4th April 2017. Views will be reported orally at the meeting.

Planning and Environmental Management (Ecology):-

3.10 Raises no objection in principle to the proposal subject to adequate measures being put in place to deal with newt mitigation.

EXTERNAL:-

Network Rail:-

3.11 Raises no objections in principle subject to the operation of the nearby manual level crossing not being compromised by the vehicle movements too and from the site and the construction and operation of the plant not compromising the operational requirements of the railway where it passes the site in close proximity.

Environment Agency:-

3.12 Raises no objection to the proposal identifying no harm in respect of contaminated land or the underlying aquifer. They further draw attention to the fact that it would be subject to regulation under the Environmental Permitting Regulations.

The Ainsty (2008) Internal Drainage Board:-

3.13 Raises no objection to the proposal subject to a detailed surface water drainage scheme being agreed by condition as part of any permission.

CPRE:-

3.14 Objects to the proposal on the grounds that:-

1 The impact of the proposed industrial structures on the openness of the Green Belt including the adverse impact viewed from the A59 road and passenger trains with respect to the setting on the approach to the City outskirts from the west.

2 The heights of some proposed structures will be significantly above the existing buildings located on the industrial estate and nearby farm properties.

3 The proposed development is out of keeping with existing activities on the industrial estate which are largely enclosed and are unlikely to be producing significant emissions to the adjacent green field areas, settlements and other adjacent commercial occupiers.

4 The highway infrastructure including the estate access, New Road and the access to the A59 are inadequate and do not comply with the required standards for their proposed use by HGVs associated with the development.

5 There is a projected significant addition to vehicle movements to and from the proposed site to New Road and the A59.

6 Noise from late evening/night period activities are likely to cause disturbance to local residents and farm stock.

7 Mobile plant reversing alarms may cause annoyance to local residents.

Rufforth with Knapton Parish Council:-

3.15 Objects to the proposal on the grounds that there would be a significant increase in HGV traffic through a potentially dangerous junction, it would give rise to

a significant risk of noise and air pollution and it would cause serious detrimental harm to the open character of the Green Belt.

Hessay Parish Council:-

3.16 Objects to the proposal on both Highway Safety and Planning Grounds. The following is a summary of the Highway Safety grounds:-

- \* The width and geometry of the access to the site and the adjacent New Road fall well below accepted standards in terms of regular use by the types of HGV traffic envisaged and notwithstanding the present day low level accident risk the development would give rise to conditions substantially prejudicial to highway safety;
- \* The width and geometry of the access from New Road on to the A59 fall well below accepted standards in terms of regular use by the types of HGV traffic envisaged and notwithstanding the present day low level accident risk the development would give rise to conditions substantially prejudicial to highway safety.

The following is a summary of the planning grounds:-

- \* Concern that the proposal amounts to inappropriate development in the Green Belt and that a case for "very special circumstances" to justify the proposal as required by paragraphs 87 and 88 of the NPPF have not been forthcoming;
- \* Concern in respect of the impact of light pollution from the site upon the pleasant rural ambience of the surroundings;
- \* Concern in respect of the impact of the proposed mixing tower and chimney on the wider setting of York Minster;
- \* Concern in respect of the impact of noise from the proposal particularly at night time and weekends upon the pleasant rural ambience of the surrounding;
- \* Concern in respect of the impact of dust emissions from the site upon the operation of neighbouring rural businesses and the openness of the Green Belt;
- \* Concern in respect of a lack of engagement with the local community by the applicant contrary to the Authority's Adopted Statement of Community Involvement (SCI).

3.17 Julian Sturdy MP objects to the proposal on the grounds of it being inappropriate development within the Green Belt without a case for "very special circumstances" in addition to concerns in respect of the creation of conditions prejudicial to highway safety at the access to the Hessay Industrial Estate as well as the junction of New Lane and the A59.

3.18 224 Letters of objection have been received in respect of the proposal the following is a summary of their contents:-

- \* Concern that traffic movements arising from the proposal would give rise to conditions substantially prejudicial to Highway safety both at the access from Hessay Industrial Estate to New Road and the junction of New Road and the A59;
- \* Concern that the proposal would give rise to substantial harm to the habitat of the

Great Crested Newt and the badger both species protected by law;

\* Concern that the proposal would give rise to substantial harm to the setting of York Minster;

\* Concern that the proposal is inappropriate development in the Green Belt and that a detailed case for "very special circumstances" to justify otherwise inappropriate development in the Green Belt as required by the NPPF has not been forthcoming;

\* Concern that the applicant has not engaged constructively with the Local Community to discuss the proposal;

\* Concern that the proposal would give rise to substantial harm to farming activities in the surrounding locality by virtue of odour, noise and dust emissions;

\* Concern that noise and light pollution from the late night activity of the plant would give rise to substantial harm to the residential amenity of neighbouring properties;

\* Concern that dust and other emissions would give rise to serious harm to the health and well-being of residents in the locality;

\* Concern that noise, disturbance and increased traffic flows would disrupt services at the Methodist and Anglican Churches within Hessay village;

\* Concern that the proposal would represent a serious departure from the previous light industrial activities which have taken place at the site;

\* Concern that the proposal would give rise to a precedent for other similar damaging developments in the locality;

\* Concern that the proposal is grossly premature pending final consultation on and adoption of the Joint Minerals and Waste Local Plan;

\* Concern that the proposed off-site junction improvements would be insufficient to address the clear capacity problems at the A59/New Lane junction with clear implications for the safety and convenience of highway users within the surrounding network;

\* Concern that the proposed amended highway layout off-site would encourage rat-running through Hessay village

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon landscape;
- Impact upon the safety and convenience of highway users on the local network;
- Impact upon the habitat of the Great Crested Newt, a protected species;
- Impact upon strategic views of York Minster;
- Impact upon the amenity of neighbouring properties by virtue of noise and light pollution through late working;
- Impact upon human and animal health by virtue of odour, dust and other

emissions.

- \*Environmental impact.
- Off-site highway works.

#### POLICY CONTEXT:-

##### Development Plan

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

4.3 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the draft Plan does not form part of the statutory development plan for the purposes of s.38(6), its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Such policies carry very limited weight. The main draft policies that are relevant to matters raised by this application are:-

- CGP15A Development and Flood Risk
- CYE3B Existing and Proposed Employment Sites
- CYGB10 Major development sites in GB
- CYGP1 Design
- CYGP9 Landscaping

4.4 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of

being a material consideration in the determination of the planning application. The main draft policies that are relevant to matters raised by this application are:

#### NPPF

4.5 In the absence of a formally adopted local plan the most up-to date representation of relevant policy is the National Planning Policy Framework (NPPF). It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). However, this presumption in favour does not apply in this case as specific policies in the NPPF indicate that the development should be restricted because of the site's Green Belt location (please see further paragraph 4.10 below)

4.7 GREEN BELT:- As noted above, the general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 91 specifically addresses those renewable energy projects in the Green Belt which are inappropriate development and emphasises the need to supply a case for very special circumstances for inappropriate development although it is acknowledged that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Paragraph 88 states that when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

4.8 SAFEGUARDING OF PROTECTED SPECIES AND HABITATS:- Central Government Planning Policy in respect of biodiversity as outlined in paragraphs 118 and 119 of the National Planning Policy Framework urges Local Planning Authorities to refuse planning permission for new development which would give rise to significant harm to a rare species and or its habitat which can not be mitigated, avoided or as a last resort compensated for and at the same time it is clearly indicated that the presumption in favour of sustainable economic development does not apply in such cases.



4.9 IMPACT UPON RESIDENTIAL AMENITY: - Central Government Planning Policy in respect of amenity as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" urges Local Planning Authorities to give significant weight to the need to secure a good standard of amenity for all new and existing occupants of land and buildings.

4.10 POLLUTION CONTROL AND MITIGATION: - Central Government Planning Policy in respect of planning and pollution control as identified in paragraphs 120-123 indicates that Local Planning Authorities should ensure that new development is appropriate for its location. The effects including cumulative effects of pollution on health or general amenity and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Furthermore Local Planning Authorities should focus on whether the development itself is an acceptable use for the land rather than control the processes or emissions themselves where these are subject to approval under different pollution control regimes. Local Planning Authorities should assume that these regimes will work effectively.

#### IMPACT UPON THE YORK GREEN BELT:-

4.11 Policy GB1 of the York Development Control Local Plan sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence and the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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.

4.12 The application site comprises the western section of a former MOD depot with a planning permission for general employment use (B1/B2/B8). It is also a draft employment allocation in both Development Control Local Plan and (emerging) Publication Draft Local Plan. Whilst the Draft Allocations themselves may be afforded little weight, the Local Plan Evidence Base in the form of the Employment Land Review (2017) identifies a significant shortage of land with an existing B2 permission or suitable for allocation. A previous planning permission for a fuel

storage depot on the site was given in 2010 but was never implemented. An asphalt plant when not incorporated into an operational minerals site falls within Use Class B2 (General Industry) .The area comprises the former marshalling yard and rail head for the military depot use. A lighting tower approximately 20 metres in height surviving from the former military use survives at the north eastern edge of the site. Directly to the east and south east are a series of low rise single storey Nissan Hut type buildings with much larger hanger type structures further to the east in a variety of storage and processing uses. Paragraph 89 of the NPPF indicates that all new buildings within the Green Belt are inappropriate unless it comes within one of a number of defined exceptions, including the infilling or redevelopment of previously developed land including where in continuous use providing it does not give rise to any greater harm to the openness of the Green Belt or the purposes of its designation than the existing development.

4.13 The proposed development incorporates a chimney in of 21.5 metres in height together with a mixing tower of 20 metres in total height. This will have a materially greater impact on the openness of the Green Belt than the existing situation and as a consequence is felt to be inappropriate development. Attention has been drawn to a previous proposal incorporating an asphalt manufacturing plant in 1999 which was withdrawn following serious concern in terms of its impact upon the openness of the Green Belt. It was however of a significantly larger scale and included the clearance of a large area of the existing buildings and the reconstruction of the rail head to facilitate the transport of the manufactured asphalt by rail. Notwithstanding the height of the proposed stack and associated mixing tower the built foot print of the proposal is relatively modest and a lighting tower of 20 metres related to the previous military use survives directly to the north of the site.

4.14 Paragraph 80 of the NPPF identifies five purposes of designation for the Green Belt, two of which are relevant in the current context; namely the prevention of encroachment into the countryside and the safeguarding of the setting for the Historic City. In terms of encroachment in to the countryside, the site comprises the former railhead for a military depot and forms part of an area allocated as employment land in both the 2005 York Development Control Local Plan(4<sup>th</sup> Set of Changes) and the (Emerging) Publication Draft Local Plan. Furthermore it has been subject to an unimplemented permission for construction of a fuel storage depot from 2010. Whilst the Draft Allocations themselves may be afforded little weight , the Local Plan Evidence Whilst the Draft Allocations themselves may be afforded little weight , the Local Plan Evidence Base in the form of the Employment Land Review (2017) identifies a significant shortage of land with an existing B2 permission or suitable for allocation In terms of harm to the setting of the Historic City the proposal would be viewed against the existing hanger type structures surviving from the former military use and would not be seen in the same viewing plane as the built fringe of the Historic City. The purposes of designation of the Green Belt would not therefore be harmed.

4.15 The NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. In order to overcome the presumption against inappropriate development in the Green Belt, paragraphs 87 and 88 of the NPPF state that "very special circumstances" should exist to clearly outweigh any harm to the Green Belt by reason of inappropriateness and any other harm.

4.16 The applicant has indicated that in identifying the application site, some 7 sites including locations outside of the Green Belt were considered subject to a strict range of criteria which include a planning permission for B2 General Industrial Use, a minimum size, accessibility to the strategic highway network, accessibility other than via residential roads and immediate availability. No non-Green Belt site was able to demonstrate compliance with all of the criteria. Furthermore the proposal would form one of a strategic network of facilities which would supply developers, the local highway authority and the Highways Agency with material. It would also result in the creation of an additional 6 full time jobs. The previously approved fuel storage depot would have created five full time jobs.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS ON THE LOCAL NETWORK:-

4.17. Serious concern has been expressed in relation to the impact of the proposal on the safety and convenience of highway users at the access to the Industrial Estate with New Road and more significantly the junction of New Road with the A59 which the application details indicate would be the feeder route for traffic to and from the site. The available accident statistics indicate a series of four minor collisions at or in close proximity to the junction of the A59 and New Road with no recent recorded accidents at the site access with New Road. In each case the cause has been established as driver error rather than through the nature of the traffic involved. Material has been brought forward which indicates that both New Road and the existing site access fall below the accepted standard in terms of the design and layout of new industrial estate roads and access points. Anecdotal evidence has also been brought forward in respect of near misses involving vehicles entering and leaving the site with buses and agricultural traffic accessing the village. In order to address the detailed concerns in respect of the impact of the proposal upon the local highway network the applicant has come forward with a package of measures involving offsite works which involve junction improvements to the New Lane and A59 junction which will be considered in more detail below. The section of New Road to the south of the site access into Hessay village is subject to a 7.5 tonne weight restriction and as such heavy vehicles seeking to access the strategic highway network via Hessay village may be committing an offence.

4.18 Concern has also been expressed in relation to the impact of increased traffic on the existing manually operated level crossing. The applicant has agreed to carry out a dilapidation survey in respect of the level crossing and to make good any damage identified.

#### IMPACT UPON THE HABITAT OF PROTECTED SPECIES:-

4.19 The application site falls partially within a Great Crested Newt habitat and a series of surveys have identified Great Crested Newt activity taking place within the site. The applicant has agreed to secure the provision of a suitable pond with wet grassland habitat directly to the west of the site which would be the subject of a licence from Natural England. The newts within the site would be trans-located and suitable fencing to the site provided prior to construction being undertaken. It is felt that the proposals would comply with the requirements of paragraph 118 of the NPPF and are therefore acceptable for the purposes of discharging that paragraph.

#### IMPACT UPON STRATEGIC VIEWS OF YORK MINSTER:-

4.20 The clear skyline and views along key transport corridors of York Minster form an important element of the setting of the historic city and one of the principal reasons for designation of the Green Belt. The proposal envisages the erection of a mixing tower and chimney up to 23 metres in height as an integral element of the scheme. This is comparable to the height of the remaining lighting tower associated with the previous MOD use and somewhat higher than the existing hangar like structures directly to the east and south east. Concern has been expressed in terms of the impact of the structures on views of the Minster for vehicles travelling from the Harrogate direction to the west. The proposed plant would be clearly visible in glimpsed views from the A59 to the west along with longer views from the Railway. It would not however be readily visible in the same viewing plane as the Minster and its relatively modest scale notwithstanding the height of the tower and associated stack would not create a visually competing structure within the wider sky line. It is not felt that the strategic views of the Minster would therefore on balance be materially harmed.

#### IMPACT UPON SURROUNDING LANDSCAPE:-

4.21 The site lies within open countryside to the north of Hessay village forming part of a former military depot which was densely developed with Nissen Huts and hangar type structures. The surrounding countryside is largely flat partially broken up by the characteristic local boundary treatment of mature trees and lengths of hedgerow. The site would be principally viewed from Hessay village to the south and from the A59 approaching York to the north west. It would be seen within the context of the adjacent substantial hangar type structures directly to the east. The majority of the plant would be lower than and in proportion to the surviving hanger

type structures. The mixing tower and associated stack would however be appreciably higher and would notably impact upon local landscape character when viewed from the south. The applicant has agreed to paint the cladding of the mixing tower in order to enable it to blend in with the surrounding landscape. In terms of views from the A59 the site would be visible to the south east heading eastwards towards the City and any visual harm from that direction would be modest. It is acknowledged that there will be some harm to landscape character particularly in views from the south but it is felt that because of the previously developed nature of the site, and the location of the principal view points that this harm would on balance be acceptable.

#### IMPACT UPON THE AMENITY OF NEIGHBOURING PROPERTIES:-

4.22 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development proposals which respect or enhance the local environment, are of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance or dominated by overbearing structures. Hessay village lies some 600 metres to the south with several isolated dwellings much closer. The closest properties are New Moor Farm at 270 metres and the Old Station at 460 metres. Serious concern has been expressed in terms of the impact upon residential amenity from noise and light pollution arising from the suggested night time working. The applicant has indicated that the same type of low level flood lighting used elsewhere on the Industrial Estate would be adopted and further details have been supplied. It is felt that subject to any permission being conditioned to require the submission and prior approval of a detailed lighting scheme then the proposal would be acceptable.

4.23 A detailed noise survey has been submitted with the proposal and subsequently re-calibrated to match the standard methodology adopted by Public Protection. This was taken from three locations in the vicinity, one in the village and two at the closest residential properties. The survey clearly shows an on-going level of background noise emanating from the railway and from the A59 which is audible over a fairly wide area. Some additional noise has been identified as being generated by the plant but the detail of the survey suggests that its impact would be largely masked by the background noise levels and would on balance be acceptable during normal day time working hours. It is acknowledged that during the proposed evening and occasional night time working sessions that there would be adverse impacts by virtue of the level of background noise being appreciably lower. It is therefore recommended that any permission be conditioned to later working in accordance with the recommendations of Public Protection.

4.24 Concern has also been expressed in terms of potential for nuisance and pollution from elements of the complex being lit at night specifically the proposed

mixing tower. The applicant has indicated that a low level form of lighting similar to that currently used for the hanger type units within the site would be adopted. It is felt that this would not give rise to a significant problem for the amenity of the wider area subject to the mode and location of lighting being subject to condition as part of any planning permission.

#### IMPACT UPON AMENITY CAUSED BY DUST, EMISSIONS AND POLLUTION.

4.25 Serious concern has been expressed in terms of the levels of dust, emissions and pollution generated by the proposal and its impact upon the amenity of neighbours and farming activities in the locality. The emissions from the site are however subject to control under Part B of the Environmental Permitting Regulations and whilst the issue of potential harm is one of considerable significance paragraph 122 of the National Planning Policy Framework makes clear that it would be inappropriate for the planning system to seek to regulate the details of the process when another form of regulatory control exists. Furthermore breaches of the Environmental Permitting Regulations are of themselves a criminal offence and so a robust regulatory framework is in place in the current context.

#### ENVIRONMENTAL IMPACT ASSESSMENT (EIA):-

4.26 The proposal as being for an industrial estate development falls to be considered within Schedule 2 to the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations as an industrial estate development. The proposal is in a relatively remote location, it is located within a building and the process and emissions would be regulated through the Environmental Permitting Regulations. The proposal has been subject to a formal screening exercise and it is felt that it would not, bearing in mind the detail of the scheme, the nature of the site and any likely Environmental Impact require a formal Environmental Impact Assessment.

#### OFF SITE HIGHWAY WORKS:-

4.27 The proposed junction improvement works would involve increasing the width of New Lane on the approach to the A59 to 7.3 metres with a carriageway radius at the junction itself of 10 metres. The works would be achievable within the existing highway boundary without the need for a fresh land take. The existing footway within New Lane at the eastern side of the junction would at the same time be maintained. The alterations would create additional space for large vehicles making turning movements into and out of the junction in accordance with the most up to date guidance covering access points to employment sites. It would furthermore address the issue of large vehicles making opposing turning movements at the junction at the same time with the need to mount the footway at the eastern side of the junction removed. Visibility of vehicles approaching the junction from either approach would

also be significantly enhanced. It is considered that the proposals effectively deal with the adverse impacts previously identified in respect of the A59 junction and can be secured by means of a Section 106 Agreement.

4.28 Concern has also been raised in respect of the proposed off-site works giving rise to an increased risk of rat running through the village and also in terms of the capacity of the site access with New Lane to accommodate the proposed levels of HGV traffic arising from the proposal. New Lane is the subject of a Traffic Regulation Order prohibiting access to HGVs to the south of the access effectively restricting access from the site through Hessay village. In terms of the access to the site itself from New Lane, visibility conditions are very good and the levels of traffic are appreciably lower. As such it is felt on balance that the existing conditions could accommodate the proposed vehicle flows without materially adverse harm to local highway safety.

## 5.0 CONCLUSION

5.1 The proposal represents inappropriate development within the general extent of the York Green Belt and has a harmful impact upon its openness and it should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is acknowledged that the proposal would have some adverse impact upon local landscape character. It is however felt that due to the previously developed nature of the site and the location of the principal viewpoints that the degree of harm would on balance be acceptable. The site forms a habitat for the Great Crested Newt, however a mitigation scheme has been submitted which complies with the requirements of paragraph 118 of the NPPF. It is not felt that the proposal would materially harm strategic views of the Minster and subject to the imposition of appropriate conditions on any permission any harm through noise and light pollution could be effectively mitigated. Issues of dust, odour and emissions would be mitigated through the Environmental Permitting Regulations. The applicant has come forward with a detailed package of off-site works involving junction improvements to the A59/New Lane Junction in order to address the detailed highway concerns. These works it is felt would deal with the capacity problems identified and can be secured by means of a Section 106 Agreement.

5.2 The applicant has put forward a number of 'other considerations' to weigh against the harm to the Green Belt and other harms identified above, based upon the requirement for the facility as part of a wider network, together with the absence of an alternative suitable non-Green Belt site (as set out in paragraph 4.11 above). In the overall balancing exercise, and having attributed substantial weight to the harm to the Green Belt, it is considered that these 'other considerations' in this case

do cumulatively clearly outweigh the harms identified and therefore the very special circumstances necessary to justify the development exist. The wider proposal is therefore felt to be acceptable and approval is recommended.

**6.0 RECOMMENDATION:** Approve subject to prior completion of a Section 106 Agreement to secure the following:

Off site highway works at the junction of New Road and A59  
And subject to the following conditions:

1 TIME2 Development start within three years

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

Drawing Refs:-2-128-12; 3-128-12; 4-128-12.

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

3 The following works; vegetation removal, ground clearance and demolition, or activity likely to cause harm to great crested newts shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence, and details of the approach which will be taken to avoid harming great crested newts submitted to and approved in writing by the local planning authority.

Reason: To prevent harm to a European protected species

4 All ecological measures and/or works shall be carried out in accordance with the approved details including detailed timetable for their implementation contained in the Proposed Habitat Creation plan produced by E3 Ecology and dated 16th May 2017 as already submitted with the planning application.

Reason: To maintain the Favourable Conservation Status of a European protected species.

5 VISQ8 Samples of exterior materials to be app



- 6 LC4 Land contamination - unexpected contam
- 7 ENVA1 Surface water drainage through oil inter
- 8 ENVA2 Prevention of pollution - tanks etc
- 9 HWAY18 Cycle parking details to be agreed
- 10 HWAY19 Car and cycle parking laid out
- 11 HWAY40 Dilapidation survey
- 12 HWAY41 Safety Audit
- 13 HWAY10 Vehicular areas surfaced, details reqd
- 14 VISQ4 Boundary details to be supplied

15 The hours of operation of this approved use shall be confined to 06:00 to 21:30 Mondays to Fridays, 09:00 to 12:00 Saturdays and Sundays and no working on Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

16 The stack hereby authorised shall terminate at a point at a minimum 21.5m above ground level.

Reason:- To secure appropriate dispersion of emissions.

- 17 EPU1 Electricity socket for vehicles
- 18 LC1 Land contamination - Site investigation
- 19 LC2 Land contamination - remediation scheme
- 20 LC3 Land contamination - remedial works
- 21 LC4 Land contamination - unexpected contam

22 The externally mounted lighting as detailed on approved plan "200 TPH Static Asphalt Plant drawing no. 3-128-12" and referred to within the letter from ACT Projects Ltd ref A-A 128-12 17-1 (dated 26 May 2017), shall be installed in accordance with those details prior to the plant hereby authorised being first brought

into use. The lighting proposals shall be shall be appropriately maintained thereafter.

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

23 The externally mounted lighting as detailed on plan "200 TPH Static Asphalt Plant drawing no. 3-128-12" and referred to within the letter from ACT Projects Ltd ref A-A 128-12 17-1 (dated 26 May 2017), shall only be operational during the hours of 06:00 to 21:30 hours Monday to Friday, 06:00 to 12:00 Saturday and Sunday and not at all on Bank Holidays.

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

24. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

25 . The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Works to include widening of New road, realigning eastern footpath and increasing radii at the junction with the A59 as shown indicatively on Bryan G Hall drawing number 16/404/TR/00/A – Proposed Junction Improvements. A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the remodelled junction. Stage 1 of the audit shall be submitted to and agreed in writing by the LPA prior to such works commencing

Reason: In the interests of the safe and free passage of highway users.

Informative:- The detail of the works shall be recorded within a Section 278 or similar agreement under the Highways Act.

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 order to achieve a positive outcome:

- i) Details of the Proposed Lighting Arrangements
- ii) Details of vehicle movements to and from the site
- iii) Detail of the proposed means of Great Crested Newt mitigation.

## 2. DEMOLITION AND CONSTRUCTION:-

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

4. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

5. There shall be no bonfires on the site.

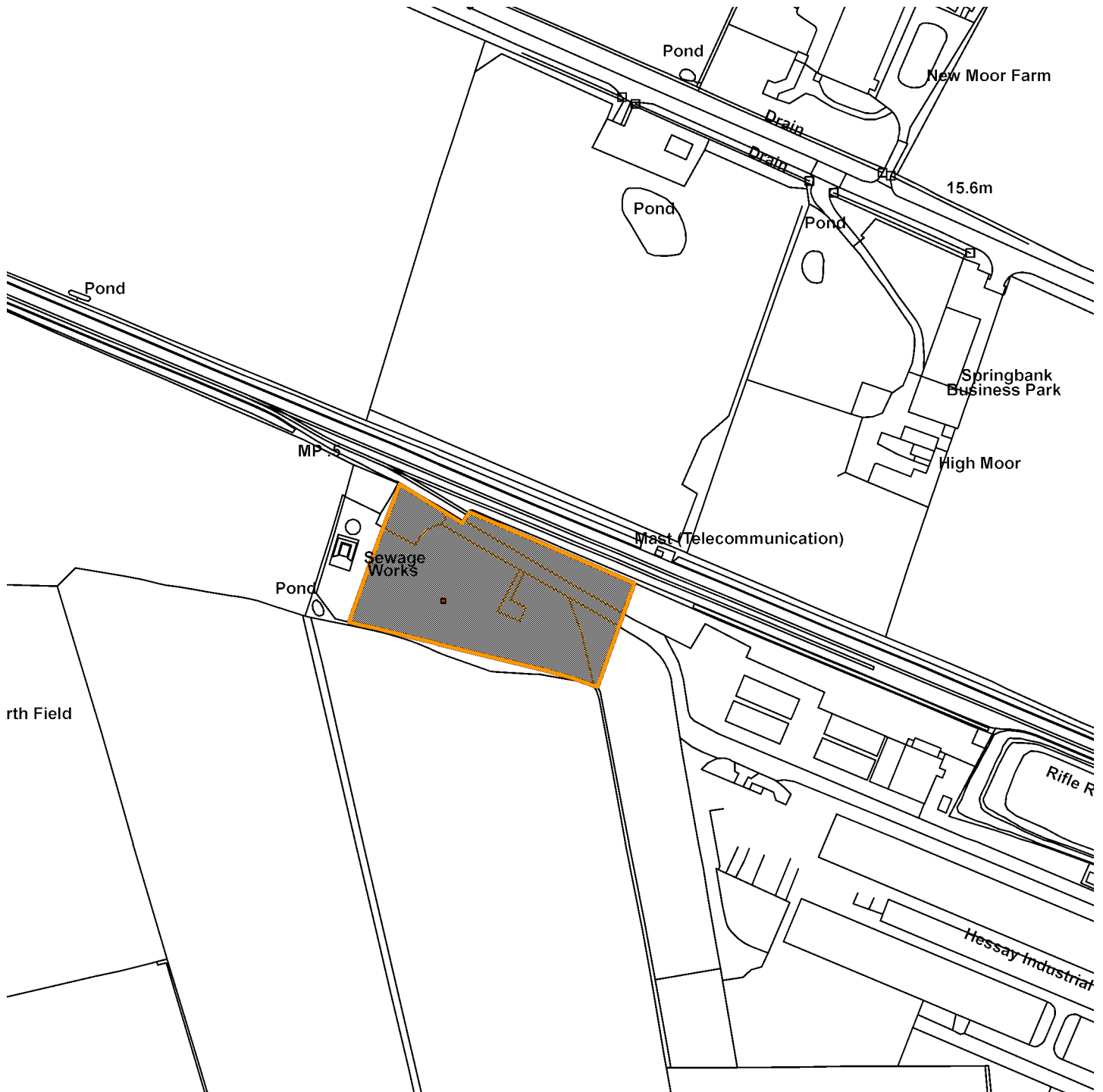
Contact details:

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# Land Adj Sewage Works At Hessay Industrial Estate

17/00670/FUL



Scale : 1:2777

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 August 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 August 2017      **Ward:** Wheldrake  
**Team:** Major and      **Parish:** Elvington Parish Council  
Commercial Team

**Reference:** 17/00712/FUL  
**Application at:** Home Lea Elvington Lane Elvington York YO41 4AX  
**For:** Conversion of facilities building to dwelling (use class C3)  
**By:** Mr S Thomas  
**Application Type:** Full Application  
**Target Date:** 18 August 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Home Lea comprises a 20 pitch touring caravan site being operated as a "transit site" for members of the Travelling Community lying within the general extent of the York Green Belt to the north west of Elvington village. The site has historically been operated as a touring caravan site since being given planning permission on appeal in 1990 going through a period of disuse from 2005 until 2016. Planning permission ref:-12/02755/FUL was given for erection of an amenity building and shop/workshop to serve a refurbished caravan site in 2013. Planning permission is now sought for the conversion of the substantially complete shop building to provide a dwelling house for the site manager.

**2.0 POLICY CONTEXT**

See section 4 below.

**3.0 CONSULTATIONS****INTERNAL:-**

3.1 Public Protection raises no objection to the proposal subject to any permission being conditioned to require the provision of a plug socket suitable for recharging an electric car and to remediate against the effects of any unexpected contamination.

**EXTERNAL:-**

3.2 Elvington Parish Council objects to the proposal on the grounds of harm to the openness of the Green Belt, the lack of a case for "very special circumstances" to justify the proposal and the presence of a residential property on the site in the ownership of the applicants.

3.3 Yorkshire Water Services Limited was consulted with regard to the proposal on 31st March 2017. Views will be reported orally at the meeting.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

\* Impact upon the openness and purposes of designation of the York Green Belt;\* Justification for the proposal.

#### PLANNING POLICY CONTEXT:-

##### Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

##### Local Plan

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

- CYGB1 Development within the Green Belt
- CYV5 Caravan and camping sites

##### Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week



consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

#### The National Planning Policy Framework (NPPF)

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

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

4.7 Paragraph 55 of the NPPF is particularly relevant to the determination of this application proposal. It states:-

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:-

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:-

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.”

4.8 GREEN BELT:- As noted above, the general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C and as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 states that when considering a planning application for development in the Green Belt Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

#### IMPACT UPON THE ORK GREEN BELT:-

4.9 Policy GB1 of the York Development Control Local Plan sets out a clear presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence.

4.10 Paragraphs 89 and 90 of the National Planning Policy Framework identify specified forms of development which are appropriate in the Green Belt. An exception to inappropriate development exists within paragraph 90 of the Framework in respect of the reuse of buildings providing they are of permanent and substantial construction and providing also the proposals would not give rise to any conflict with the purposes of including land within the Green Belt and would preserve its openness..

4.11 The application site comprises the substantially complete shell of the shop/workshop building permitted by planning permission ref:-12/02755/FUL in respect of the previously intended development of the site as a touring caravan site. The building lies directly to the north east of the existing bungalow on the site frontage and abuts and does not project beyond the rear garden of the adjacent property constructed in the 1930s.It is further defined on its eastern side by the long standing access road into the caravan site with an area of approximately 12 metre to the south separating the site from the bungalow on the road frontage which provides

an area to form a viable domestic curtilage. It does not of itself extend the area of built development further into open countryside and subject to any permission being conditioned to withdraw permitted development rights in respect of its likely domestic curtilage then it is felt that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. As such the proposal is felt to be not inappropriate development within the Green Belt. Development that is not inappropriate in the Green Belt is deemed not harmful to the Green Belt. However, there is still the clear need to separately justify the development of a new house within the countryside as required by paragraph 55 of the Framework.

#### JUSTIFICATION FOR THE PROPOSAL UNDER PARAGRAPH 55 OF THE NPPF:-

4.12 The application site comprises a touring caravan site originally permitted on appeal in 1990 but which has only been used intermittently as such since 2005. In recent years attempts have been made to develop the site with timber lodges but which have been rejected at appeal. Proposals have subsequently been brought forward to develop the site as a touring caravan site once again with a shop/workshop and an amenities building which exists to foundation level connected to a timber clad static amenities block. The applicant's further own a bungalow on the site frontage which was reconstructed following a planning permission in 2005.

4.13 Paragraph 55 of the NPPF (as set out in paragraph 4.7 of this report) is clear that new isolated dwelling houses within the countryside (i.e. out with settlement limits) including conversions should not be permitted unless there are special circumstances and it sets out guidance for assessing such applications. Planning permission is sought on the basis that a clear requirement exists for a residential managerial presence in respect of the operation of the caravan site as now configured. The site is being used as a form of "transit" site to allow members of the travelling community to access work and business commitments in the wider region whilst residing in a tidy and secure environment. The applicant has submitted a further case for functional need which identifies the need to have a managerial presence on site at all times due to the nature of the operation, the need to register those arriving and leaving at often unsocial hours, the need to have a presence to deal with emergencies at often unsocial hours, the need to have a presence to deal with issues of ant-social behaviour and rowdiness and the need to give users reassurance that expensive vehicles, caravans and other items of equipment are being kept securely. Due to the physical remoteness of the site other accommodation to fulfil the function is not readily available and it is felt that due to the configuration of the site and the functional nature of the managerial role a caravan would itself not be appropriate.

4.14 The applicants own the existing bungalow on the road frontage which raises the further issue as to why that is not suitable to provide the required managerial function as it also partially fronts on to the access road to the site. The original

bungalow at the site does however substantially predate the functioning of the caravan site having been originally constructed in the 1930s along with its neighbours directly to the west. When reconstructed in 2005 (ref:-05/02087/FUL) the proposal was treated as being separate from the functioning of the caravan site and was identified as being intended for the occupation of the applicant's parents as a retirement home. No restriction was at the same time placed upon the planning permission in respect of the adjacent caravan site or its management. The applicant has confirmed that this remains his intention.

4.15 In terms of the requirements of paragraph 55 of the NPPF it is agreed that in order to secure the effective and secure management of the site that a continuous management presence would be required and that that may not be properly undertaken from another caravan or from other accommodation in that locality by virtue of the remoteness of the site. In terms of the occupation of the bungalow directly on the road frontage its reconstruction was previously considered in planning terms as separate from the functional operation of the adjacent caravan site and on balance it is felt that it would not be reasonable in the current circumstances to place such a restriction on its occupation. These matters are considered to be of sufficient weight to amount to a justifiable need for a new dwelling at this location for the purposes of paragraph 55 of the Framework. The proposal is therefore felt to be acceptable subject to being conditioned to require a continued functional relationship between the occupants of the property and the management of the caravan site.

#### OTHER ISSUES:-

4.16 The site as presently in operation, as a "transit" site for members of the travelling community occupying touring caravans, has been provided with lighting via substantial 3 metre high columns without authorisation. At the same time amenity facilities are provided via an unauthorised static caravan sited within the foundations of the previously permitted block. In order to preserve the openness of the Green Belt and to regularise the operation of the site it is recommended that any planning permission be conditioned to require the further submission for approval of a low level lighting scheme together with a more permanent solution in terms of amenity facilities.

## 5.0 CONCLUSION

5.1 The building subject to the application for its conversion is physically well related to the existing strip of dwelling houses and their curtilages dating to the 1930s directly to the west. It would not extend the built footprint of the site beyond the existing and it would not give rise to any harm to the Green Belt. In terms of paragraph 55 of the NPPF it is felt on balance that in view of the nature of the occupation of the site that a permanent managerial presence on the site is a

requirement that may not be easily provided either by accommodation in the near vicinity or by another caravan . The proposal is therefore felt to be acceptable and approval is recommended.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing Refs:- D101; D201A; D202B.

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

3 The hereby authorised shall be solely used to provide residential accommodation for the site manager for the associated caravan site and for no other purpose including any other within Class C3 to the 1987 Town and Country Planning (Use Classes) Order (as amended).

Reason:- To safeguard the open character and purposes of designation of the York Green Belt and to secure compliance with Paragraphs 55 and 90 of the National Planning Policy Framework.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of securing the openness of the York Green Belt the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

5 PD5 No openings in side elevation

6 VISQ4 Boundary details to be supplied

7 Prior to the conversion works hereby authorised being first undertaken a detailed lighting scheme including fitting designs, luminance, numbers, heights and locations for the wider caravan site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved scheme prior to first occupation of the converted

dwelling and maintained as such thereafter.

Reason:- To safeguard the open character of the York Green Belt.

8 Prior to the conversion works being first undertaken full details of the amenity facilities to support the caravan site including design, location and drainage connections shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the conversion being first occupied and maintained as such thereafter.

Reason:- To safeguard the open character of the York Green Belt.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

- i) Sought a detailed explanation as to why the existing bungalow on the site frontage could not be used to provide the required manager's accommodation;
- ii) Sought a detailed justification for the need for a permanent managerial presence on the site.

#### **2. CONTROL OF POLLUTION ACT 1974:-**

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

**Contact details:**

**Author:** Erik Matthews Development Management Officer

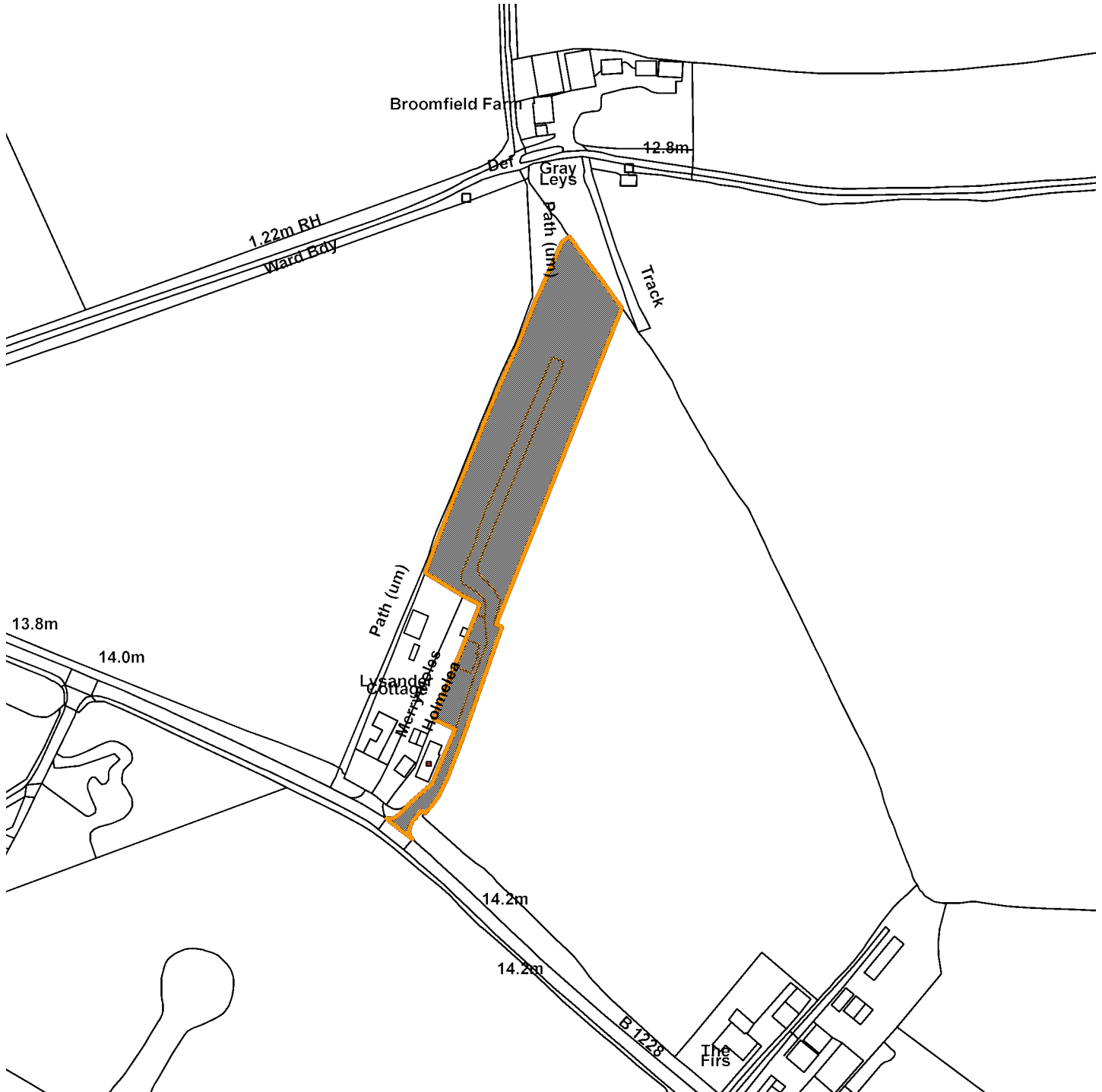
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17/00712/FUL

Home Lea, Elvington Lane Elvington



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 August 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 August 2017      **Ward:** Osbaldwick and Derwent  
**Team:** Major and      **Parish:** Osbaldwick Parish  
Commercial Team      Council

**Reference:** 17/01671/FUL  
**Application at:** Holly Tree Farm Murton Way York YO19 5UN  
**For:** Construction of realigned and widened access road and bridge (retrospective) to serve approved log cabins and fishing lake adjacent to property (resubmission)  
**By:** Mr Peter Mandy  
**Application Type:** Full Application  
**Target Date:** 1 September 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

- 1.1 Holly Tree Farm comprises an agricultural small holding lying in a prominent location within the York Green Belt at the eastern edge of Osbaldwick village. Planning permission has previously been given on appeal for change of use and conversion of a former domestic stable into a two bedroom holiday let which is now in separate ownership and operation to the farm. A further permission was subsequently given for construction of a separate access incorporating a bridge over the Osbaldwick Beck.
- 1.2 Planning permission was refused in respect of retention of a shuttered concrete bridge with a widened and re-aligned access track at the 15th June 2017 meeting of this Committee on the grounds of impact upon the open character of the Green Belt. The proposal has now been resubmitted on the basis of the revised alignment and widening of the bridge by 70cm but with the width of the access track reduced to that previously approved with the bridge itself clad in brick.

**2.0 POLICY CONTEXT**

See section 4 below.

**3.0 CONSULTATIONS**

INTERNAL:-

- 3.1 Highway Network Management were consulted with regard to the revised proposal on 13th July 2017. Views will be reported orally at the meeting.

3.2 Strategic Flood Risk Management were consulted with regard to the revised proposal on 13th July 2017. Views will be reported orally at the meeting.

EXTERNAL:-

3.3 Osbaldwick Parish Council was consulted with regard to the revised proposal on 13th July 2017. Views will be reported orally at the meeting.

3.4 The Ouse and Derwent (2008) Internal Drainage Board was consulted with regard to the revised proposal on 13th July 2017. Views will be reported orally at the meeting.

3.5 The Environment Agency raises no objection to the proposal as revised.

## **4.0 APPRAISAL**

### KEY CONSIDERATIONS

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Landscape impacts
- Impact upon the local pattern of surface water drainage.

#### PLANNING POLICY CONTEXT:-

##### Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

##### Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the

DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Relevant draft policies are:

- CGP15A - Development and Flood Risk
- CYGB1 - Development within the Green Belt
- CYV2 - Infrastructure and services for visitors

#### Emerging Local Plan

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

4.5 Relevant draft policies are:

- GB1 - Development within the Green Belt
- ENV4 - Development and Flood Risk

#### The National Planning Policy Framework (NPPF)

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

4.7 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. Officers' view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the Green Belt policies in Section 9 to the NPPF.

4.8 GREEN BELT:- As noted above, the general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National

Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 establishes that when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

4.9 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.

4.10 FLOOD RISK:-Paragraph 103 of the National Planning Policy Framework urges that significant weight should be afforded to ensuring that flood risk is not increased elsewhere and only consider development as appropriate in areas at risk of flooding where informed by a site specific risk assessment and following a Sequential Test.

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

4.11 Policy GB1 of the York Development Control Local Plan sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence.

4.12 The development as constructed has comprised the construction of a 6.2 metre wide reinforced concrete bridge with associated concrete surfaced access road to give access across the Osbaldwick Beck to the previously approved holiday let beyond to which a development of eight timber holiday lodges were subsequently

added. Together with the widened tarmaced and kerbed access drive and the removal of a section of the existing hedge boundary it was felt to be harmful to the openness of the Green Belt in that locality and is inappropriate development in the Green Belt. The scheme as amended envisages the cladding of the exterior of the bridge in brick as in part originally envisaged and the reduction of the width of the access road to that previously envisaged. The reduction in the width of the access road and the cladding of the bridge would make it appear considerably less stark and raw within the wider street scene and would address the issue of impact upon openness of the Green Belt as with weathering it would settle into the surrounding townscape as other similar bridges have done within the length of the Osbaldwick Beck further to the west.

4.13 Paragraph 90 of the NPPF establishes engineering operations as being not inappropriate within the Green Belt provided they would preserve openness and would not conflict with the purposes of Green Belt designation. The construction of the bridge and associated access track is an engineering operation. It is felt on balance that the scheme as revised with a brick cladding that reflects the design approach to other bridges further to the west on the Osbaldwick Beck within Osbaldwick village and with the access track reduced to its approved dimensions would not compromise the openness of the Green Belt or the purposes of including land within it and so is not inappropriate development in Green Belt terms. Development that is not inappropriate because it falls within one of the exceptions in paragraph 90 of the NNPF is deemed not harmful to the Green Belt.

#### HARM TO LANDSCAPE/VISUAL AMENITY

4.14 The bridge as erected combined with the access road as constructed appeared both crass and raw within an otherwise rural, well landscaped setting. The proposal as re-submitted involving cladding the bridge in brick as originally intended and as occurs with other bridges within Osbaldwick village together with reducing the access track width to that previously approved would successfully address the harm giving rise to a development far more characteristic of the local area and therefore in broad terms acceptable.

#### IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.15 Paragraph 103 of the NPPF indicates that in considering development Local Planning Authorities should ensure that flood risk is not transferred elsewhere. Policy GP15a) of the York Development Control Local Plan sets out a firm policy requirement that within areas of high flood risk that the developer should satisfy the Local Planning Authority that any flood risk can be satisfactorily managed with the minimum environmental effect whilst ensuring that the site can be developed , serviced and occupied safely. The site lies within Flood Zone 3a) and is therefore judged to be at high risk of flooding in the event of a severe rainfall event. However, the construction of an access road and bridge of the type proposed is considered

within the Environment Agency's risk matrix to be flood compatible development. As a consequence the requirements for a sequential test and site specific Flood Risk Assessment otherwise required does not apply in this case. With the reduction in the width of the access track the area of impermeable surfacing will be materially reduced and the dimensions of the bridge culvert have previously been the subject of approval by the Ouse and Derwent IDB in terms of allowing a reasonable through flow of water in the event of a severe rainfall event. The proposal is therefore felt to be acceptable in flood risk terms.

## 5.0 CONCLUSION

5.1 The proposal to retain the shuttered concrete bridge has now been resubmitted on the basis of the revised alignment and widening of the bridge by 70cm but with the width of the access track reduced to that previously approved, with the bridge itself clad in brick.

5.2 It is felt on balance that the scheme as resubmitted successfully addresses the earlier concerns that led to the previous application being refused, in terms of impact upon the openness of the Green Belt and is appropriate development in terms of Green Belt policy. At the same time it is felt that the revised proposals would address the earlier concerns in respect of harm to landscape character and visual amenity and are therefore acceptable in planning terms. Approval is therefore recommended.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: - 1584-300 P00; 1584-107 P01; 8174/01A.

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

3 VISQ8 Samples of exterior materials to be app

4 LAND1 IN New Landscape details

5 Prior to the external cladding of the bridge hereby authorised being undertaken full details of the proposed balustrade including colour, finish, dimensions, location and design shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved before being brought into use and



maintained as such thereafter.

Reason: - To safeguard the open character of the Green Belt and to secure compliance with Policy GB1 of the York Development Control Plan.

**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 order to achieve a positive outcome:

- i) Sought a reduction in width of the access road to the previously approved dimensions.
- ii) Sought a cladding of the bridge as previously approved.

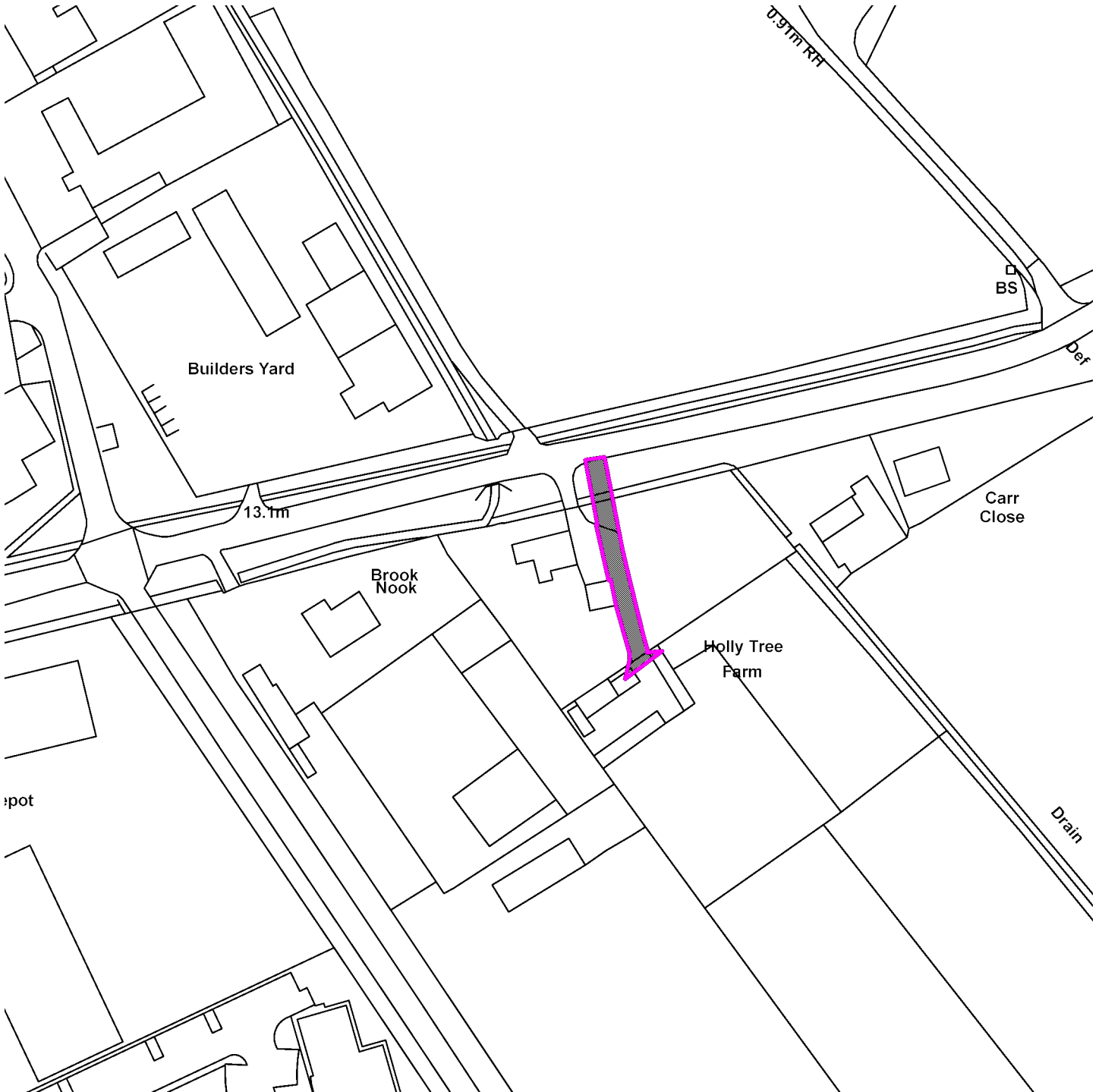
**Contact details:**

**Author:** Erik Matthews Development Management Officer  
**Tel No:** 01904 551416

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17/01671/FUL

Holly Tree Farm, Murton Way



Scale : 1:1283

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	08 August 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 August 2017      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 17/00576/FULM  
**Application at:** Hudson House Toft Green York YO1 6JT  
**For:** Erection of 4 no. buildings comprising 127no. flats (C3),  
office (B1) use and office or restaurant (B1 or A3) uses  
following the demolition of existing office building  
**By:** Palace Capital (Developments) Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 13 June 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**Application site

1.1 The application relates to the office block known as Hudson House. The building was completed in 1968 and was intended to be the new headquarters for British Rail, Eastern Region.

1.2 The building is concrete framed, and in the Brutalist style. It has 4 wings and is referred to as being pin-wheel in plan. The two blocks nearest Toft Green are 6 storeys in height; the two nearer the City Wall are 4 storeys. The building's scale is relative to the City Walls and buildings fronting Micklegate.

1.3 The building is positioned between a late C20 office block - George Stephenson House and the C21 Hilton Hotel. The City Walls are to the west. On the opposite side of Toft Green are a mix of commercial buildings, including offices and the York Brewery.

1.4 The site is within the Central Historic Core Conservation Area and is prominent from the grade I listed City Walls.

Proposals

1.5 The application is to demolish the existing building with replacement development on a similar footprint. The scheme has been revised (primarily reducing the building height and re-considering the roof form) following consultation and in response to concerns raised by Historic England. The latest revision (reducing the scale of block 2) was received 7.8.2017. The scheme would have a public route, with level inclusive access, between Station Road and Toft Green;

Application Reference Number: 17/00576/FULM

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there would be associated landscaping within the courtyard and around the development including the car park between the proposed building and West Offices, which would be reduced in size and reconfigured. The new building would be clad in brick and range in height between 5 and 7 storey. The updated design & access statement illustrates the existing and proposed massing. The maximum height of the proposed building, compared to its neighbours would be approximately as follows -

- Proposed building - 24m
- George Stephenson House - 22m
- Hilton Hotel - 22m
- West Offices - 20m

1.6 The development would accommodate the following uses -

- Dwellings - 127 (15 x studios, 34 x 1-bed ,73 x 2-bed, 5 x 3-bed
- Office space - 4,252 sq m
- Commercial units - 475 sq m

1.7 The scheme has been subject to an environmental screening and it was concluded an Environmental Impact Assessment (EIA) would not be required (see application 17/00183/EIASN).

1.8 The developers undertook their own public consultation in January 2017 prior to making the application. Details of the exercise and the feedback is detailed in the applicants' Statement of Community Involvement report which has been submitted with the application.

### Relevant planning history

1.9 The building has prior approval for conversion to 139 dwellings (application 15/02965/ORC). Permission has also been granted for part conversion to 82 dwellings, refurbished office space and external alterations (application 15/01256/FULM).

## **2.0 POLICY CONTEXT**

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest. It must also pay special attention to the desirability of preserving or enhancing the character and appearance of any conservation area.

#### National Planning Policy Framework (NPPF)

2.3 Paragraph 14 of the NPPF says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking. This means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies indicate development should be restricted, in particular in this case with reference to Heritage Assets.

2.4 Most relevant sections of the NPPF to this application are as follows –

- 1 Building a strong, competitive economy
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

#### “Development Control Local Plan” 2005 (DCLP)

2.5 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

2.6 Policies considered to be compatible with the aims of the NPPF and most relevant to the development include

CYSP3	Safeguarding the Historic Character and Setting of York
CYGP1	Design
CYGP3	Planning against crime
CYGP13	Planning Obligations
CYNE6	Species protected by law
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology
CYT4	Cycle parking standards

CYH4A            Housing Windfalls  
 CYE3B            Existing and Proposed Employment Sites

### Emerging Local Plan

2.7 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded 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.

2.8 The main draft policies that are relevant to matters raised by this application are:

DP2	Sustainable Development
SS4	York City Centre
EC1	Provision of Employment Land
H3	Balancing the Housing Market
D2	Place-making
D4	Conservation Areas
D6	York City Walls
D7	Archaeology
T1	Sustainable Access
GI2	Biodiversity

## **3.0 CONSULTATIONS**

### INTERNAL

#### Forward Planning

#### Office supply

3.1 The Employment Land Review (2016) - An analysis of the office market shows a major challenge for the City - that of the undersupply of grade A office accommodation both in the city centre and peripheral locations, which acts as a constraint on inward investment. Recent analysis that has accompanied planning applications points to the oversupply of B grade office accommodation in the city, with a number of prior notifications for conversions to residential received in such cases. Whilst officer preference would be for the entire site to remain in employment use, the amount of grade A office space proposed is welcomed and considerable weight has to be given to the fallback position (established under



previous applicants and permitted development rights) for the site to change to residential.

## Housing

3.2 The Strategic Housing Market Assessment (2016) identifies that there is a need for a mix of house sizes across the city. The analysis (taking account of demographic trends and market evidence) concludes that for market housing, the focus of new provision is on 2 and 3-bed properties. However in order to balance the housing market there is a need to ensure a mix of types of housing overall. The proposals indicate the provision of smaller properties in the form of 1 and 2 bed apartments. The mix proposed is not objected to.

3.3 Affordable housing would be required on this site, with a target of 20% affordable housing provision. The applicant has stated that the costs associated with the conversion of the retained office space to Grade A specification prohibits the deliverability of any affordable housing at the site and that the viability appraisal demonstrates that providing any affordable housing will make the scheme unviable. There is a demonstrable need for affordable housing provision in the city, as set out in the current SHMA. Discussion with relevant colleagues in housing should be undertaken to resolve this issue.

## Planning and Environment

### Archaeology

3.4 Prior to the submission of this application a desk-based assessment and archaeological evaluation have taken place. Both reports accompany the current application. The assessments concluded that the area has a possibility of undiscovered non-designated heritage assets particularly relating to the post medieval period and early modern railway development.

3.5 The majority of the proposed building is within the existing Hudson House footprint meaning that the impact of development on undisturbed archaeological deposits or features will be limited. The construction and associated landscaping for the extant Hudson House will have had a negative impact on any surviving archaeological deposits in the area although the evaluation has shown that features can survive in some areas.

3.6 Further excavation within the proposed block 2 is required to further investigate the potential Georgian culvert/drain/flue. The rest of the groundworks should be monitored by archaeological watching brief. Officers recommend conditions to cover these matters.

## Design & Landscape

3.7 Officers consider the loss of Hudson House would be a regrettable loss of railway office architecture from the late 1960s; the building is a decent example of its kind. Very little of this type exists in York.

3.8 On the scheme officers commented that block 2, due to its scale and proximity to the City Walls, would have an adverse impact on the setting of the walls. Otherwise the scheme has demonstrated its own benefits and on balance they outweigh the merits of the existing in its current state. The large proposed form of block 3 (which faces Toft Green) is still higher than existing Hudson House by a floor, but the architecture appears more appropriate for the street. In addition, the new pedestrian route between blocks four and three off Toft Green will make the new buildings more intrinsically beneficial to the street.

3.9 To address this concern the plans were again amended and the 7<sup>th</sup> August submission has reduced the massing of block 2.

## Comments on architectural approach

3.10 Both office and residential are proposed to be brick. The office is differentiated by the omission of the zig-zag roof and has larger, less subdivided windows. This is sufficient to both link them as a composition and express their different functions.

3.11 In response to officer comments the residential building elevations are more logically ordered, expressing the service cores which are the only flat tops, and there is generally a calmer composition with stronger regular rhythm broken mostly at corners which are carved to create recessed balconies and top floor terraces.

3.12 The applicant has also partly grounded the more sculptural top floors into the lower building. The zig-zag motif is carried through sometimes by inverting the floorplan shape on the floor below (as on block three) and on all blocks the slight “v” on plan is taken down all floors on at least one gable. These are successful ideas and have not been used to excess.

## Comments on roof form

3.13 The roof form remains a distinctive zig-zag profile on all the residential blocks. The applicant wished to make a direct reference to the highly articulated York city roofline through this. Officers initial comments on this approach were that the subdivision of big single buildings through the roof form was contrived compared to the organic development over time of smaller city building plots and also that it appeared detached from the building upon which it sat.

3.14 The applicant did not wish to lose this motif, and so it has adapted: the zig-zag is less frenetic with wider spaced repetition, less randomised and on each block it now stems from the form below in some way. The changes have made a more considered architecture and the motif imparts a desirably strong rhythm to the buildings.

### Ecology

3.15 In May 2017 four nocturnal bat surveys were undertaken; two at dusk and two at dawn over four separate dates. The methodology followed best practice guidelines.

Eleven separate day roost sites were identified in buildings A – D, all of common pipistrelle bats and a maximum of three bats in a single roost. Bats were also recorded foraging around the buildings; gleaning insects that were attracted to the exterior.

3.16 The demolition of Hudson House would result in the disturbance of bats and destruction of day roosts; however it is considered that with mitigation measures, it is possible to retain this population at a favourable conservation status.

3.17 If this application is approved the following planning conditions should be used;

- Requirement that either a licence from Natural England, or confirmation that one is not required, be provided prior to any demolition works.
- Provision of facilities for bats in the replacement scheme.
- The requirement for further survey work should demolition not commence within a year of permission or if construction work stalls.

### Education

3.18 Officers advise contributions would be required towards education as detailed below.

Facility	Amount	Where spent	No. of pooled contributions
Pre-school	£58,289	Provision within 1.5km of site	3 <sup>rd</sup> contribution
Primary	£12,874	Scarcroft Primary	5 <sup>th</sup> contribution
Secondary	£16,092	Millthorpe	2 <sup>nd</sup> contribution

### Highway Network Management

3.19 Officers raise no objection in principle to the revised scheme.

3.20 There was a concern that cars parked outside the office block (block 4) could block the access to the cycle store. It was asked for the parking layout to be reconfigured to address this. This issue has been addressed in the 7 August revisions.

3.21 Officers ask for contributions towards sustainable travel for future residents (£400 per dwelling towards car club, bus travel & cycle vouchers).

### Parks and open spaces

3.22 Using the 2014 Open Space and Green Infrastructure report as the base line Micklegate Ward is over supplied with amenity and sport space, but has a shortfall in children's play facilities. Accordingly officers would wish to see a play area within the new development. Otherwise it may be possible to take an off site contribution to expand the nearby site at Lower Prior Street.

### Public Protection

3.23 Officers have no objections but have requested conditions to deal with noise from plant/machinery, deliveries, cooking odour from commercial premises, adequate noise levels for future residents, construction management (including restricted times of construction), air quality and land contamination.

## EXTERNAL

### Conservation Areas Advisory Panel

3.24 The panel note that Hudson House was built during 1967-8 to the designs of David Kellett of the Architect's Office of British Rail's Eastern Region; that the proposals had been scrutinised and endorsed by the Royal Fine Arts Commission (RFAC), and that it received a Civic Trust award on completion.

3.25 There is concern at the proposed increase in height in the proposed development – which appeared to be from two-thirds of a storey to one full storey. It was felt this would bode ill for the central courtyard. The plans showed this slightly enlarged from the present courtyard but still a quite modest space, currently strongly overshadowed for much of the year; this will be made worse. The panel recommended the basic massing should not exceed the existing.

3.26 It was felt that the elevation treatment of parts of the additional/top floor, setting it apart from the lower floors, was rather gimmicky and would draw far too much attention to it.

3.27 Not in the application, but what would be preferred by the panel would be to open up a route between the War Memorial & Queen Street. Such a route would be of more use than the proposed route through the application site.

#### Civic Trust

3.28 No objection in principle to demolition. The current building is not designated. While it has architectural merit as a building of its style and function, and historic connection to the city due to its railway association, these are not of the highest calibre or historic importance.

3.29 It is important that the proposed replacement building does not unduly represent an increased massing from that of the existing building and it should not encroach further onto the City Walls.

3.30 In the case of planning approval being given, measures should be put in place to provide sufficient opportunity to thoroughly investigate the area's archaeology.

#### Historic England

3.31 Historic England objected to the original proposal submitted on the grounds that there would be harm to the character and appearance of the conservation area. No comment has been received on the revised proposals to date.

3.32 Hudson House is considered to be of good design for its time. It is strongly sculptural, deeply modelled and has a playful skyline. HE considers Hudson House to be an undesignated heritage asset which makes a positive contribution to the conservation area.

3.33 HE raised concerns over how the proposed development (prior to the scheme being revised) would sit in proximity to the City Walls and challenge them for attention. The scale and articulation appeared unsatisfactory; the building looks monolithic, wall like and lacks in articulation. There was particular concern over the scale and massing of the NE block (closest to West Offices) which appears 'over-loaded and un-resolved in profile'. HE stated that any redevelopment of the site should not diminish the setting of the City Walls or (compromise) views of the Minster which evolve as the pedestrian walks next to the site.

3.34 The blocks facing Toft Green would be taller than the existing building and dwarf its neighbours, in particular the grade II listed Toft Green chambers, and be over-dominant in the street scene.

3.35 The railway plays a major role in the character of this part of the conservation area. The ability to read the line of the railway tracks, which entered the City Walls through the railway arches and terminated at what are now West Offices are critical

to the understanding of early railway development in York. This connection has recently been reinforced by the re-positioning of the former railway station roof on public views at West Offices. The footprint of the proposed building would fully block the line of the former railway tracks to a greater extent than Hudson House does at present, thus eroding their legibility. This is deemed to be harmful.

3.36 Archaeology - Only a limited area was tested for such a large application site, where there are the potential for nationally important remains. The strategy for dealing with archaeology, including if excavation would be required is not detailed.

### Yorkshire Water

3.37 Recommend conditions to approve drainage.

- Surface water discharging to public sewer to a maximum discharge rate of 80.4 litres per second, in accordance with the submitted Drainage Assessment.
- Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hard-standing must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge.
- Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

### Publicity

3.38 Letters in support have been received from Make it York and Principal Hotel Group (Station Rise). There is support for the proposed investment in high quality city centre office space, for the appearance of the proposed building and the enhanced connectivity between the railway station and Micklegate.

- The scheme will provide the space needed for York's existing businesses to grow while providing the modern infrastructure needed to attract new businesses to the city.
- York city centre currently suffers from a lack of high quality office accommodation and the proposals will provide a much needed boost to supply, supporting the city's aspirations for growth in high value sectors. The current building is of very low quality and as a result suffers from severe under occupancy.
- The broader scheme will deliver much needed housing and provide better connectivity between the station area and businesses on Micklegate, supporting the rejuvenation we have seen in this area over the last year or so.

- Hudson House is regarded as an ugly and intrusive building that has been under occupied for years. The proposed development is attractive and would use materials appropriate to the setting.

### 3.39 Issues raised in objection

#### Amenity

- York Brewery advised of their industrial operations (use of machinery and delivery vehicles) which take place at their Toft Green premises during the daytime. They are conscious that their operation could affect amenity if there is not adequate mitigation. It was suggested that the residential uses be contained to facades not fronting Toft Green.
- Concern raised over rights to light of neighbouring properties on the opposite side of Toft Green.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Principle of the proposed uses
- Planning gain / developer contributions
- Impact on heritage assets (setting of listed buildings, character and appearance of the conservation area and archaeology)
- Sustainable travel / impact on the highway network
- Amenity of future occupants & surrounding occupants
- Drainage and flood risk
- Impact on protected species (bats)

#### **Principle of the proposed uses**

#### National policy

4.2 The NPPF states that Local Plans should be produced which set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth. However York does not have such a Local Plan against which to assess this proposal. One of the core principles within the NPPF (para.17) states in decision making planning should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business

and other development needs of an area, and respond positively to wider opportunities for growth”.

4.3 The NPPF goes on to state (para.22) that "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 regards to market signals and the relative need for different land uses to support sustainable local communities".

4.4 The NPPF (para.51) advocates residential re-development of empty commercial buildings where there is an identified need for additional housing, provided that there are not strong economic reasons why such development would be inappropriate. In a similar manner the Government have introduced permitted development rights allowing offices to be converted into houses.

4.5 The NPPF (paragraph 47) requires housing need to be met. In addition to local authorities meeting the annual need, there should be a buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market. If the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, paragraph 14 of the NPPF is triggered. Paragraph 14 sets a presumption in favour of sustainable development; granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

#### Local Evidence base

4.6 The DJD Economic and Retail Growth and Visioning report undertaken for York as part of the evidence base for the emerging Local Plan notes that only 19% of the city's office stock is grade A. The majority of space is grade B; 50%. The report recommends an increase in grade A provision, in line with economic growth, and advises there is an opportunity for grade B stock to be upgraded.

4.7 The Strategic Housing Market Assessment produced by consultants GL Hearn established the objectively assessed need for York as 841 dwellings per annum. The Council does not currently have an NPPF compliant five-year supply of deliverable housing sites.



## Other material planning considerations

4.8 The previous permission to convert part of Hudson House into dwellings (application 15/01256/FULM) and that Hudson House has prior approval (under permitted development rights) to convert the building into dwellings are material considerations in decision making of this application.

## Assessment

4.9 The host building has not been fully occupied for years. Despite marketing, the current operators have only ever been able to secure approx 50% occupancy maximum. The building is in a good location. The key reason for lack of interest in the office space is the large open plan spaces, which are currently inflexible, the poor condition of the building and its lack of modern amenities. These issues could be addressed however significant investment would be required. The developer would have to undertake such investment on a speculative basis; a risk given the amount of floor space within the building.

4.10 The building, based on its current condition is unlikely to secure full occupation, and therefore as advocated in the NPPF paragraph 22 alternative uses should be considered and treated on their merits.

4.11 The application proposes 4,252 sq m of improved (described as grade A) office space. There is currently 12,014 sq m office space within the building. In addition commercial units (retail or cafe) are proposed (475 sq m) and 127 dwellings.

4.12 The development would provide a mix of uses; specifically housing and modern and enhanced office space for which there is evidenced demand in a sustainable location. It is demonstrable there is a lack of demand for the office space within the building in its current condition.

4.13 In principle the proposed mix of uses accords with NPPF policy; providing development which meets demand. In addition considerable weight must be attached to previous extant permissions for residential development of the site.

## **Planning gain / developer contributions**

4.14 As with the previous planning application at this site the proposals have been subject to a viability assessment to determine whether section 106 contributions can reasonably be sought.

4.15 The proposals, based on current policy and consultation responses, would be expected to provide the following obligations -

- Affordable housing (20%)

- Education contributions (£87,255 towards off site provision)
- Sustainable travel (£400 per dwelling towards car club, bus travel, cycle vouchers)

4.16 National planning policy asks for a flexible approach in seeking planning gain. The NPPF (para.205) states that “Where obligations are being sought ... local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled”. National Planning Policy Guidance states “Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible, especially on brownfield sites”.

4.17 It is acknowledged that to support development and promote economic growth the developer should be expected to generate a reasonable profit as a consequence of development in order to make schemes viable. The guidance on viability advocates the use of local evidence to inform the process.

4.18 Viability assessments take an independent look at a site and are based on normal conditions and comparable market based evidence. An assessment decides whether planning obligations are reasonable, considering -

- Land value (includes the incentive to a current landowner to release the land and should be informed by comparable market based evidence)
- Costs of construction
- Gross development value, using evidence from other developments, showing sales/rental income
- Developer profit, with what is reasonable varying depending on the scale and complexity of the scheme.

4.19 The viability appraisal values Hudson House at £14.9m which takes into account the permitted residential use of the building (without the need for affordable housing) and is informed by recent sales of similar buildings in the city (including Hilary House, Yorkshire House and United House).

4.20 The developer’s construction costs are relatively high however this is explained by the high quality of the proposed scheme and the extent of landscaping/public realm works.

4.21 The development value, considering grade A classed office space and comparing residential sales to Hungate, are deemed reasonable.

4.22 The outcome of the assessment is that without any planning contributions the developer profit would be approximately 4.7%. This is low bearing in mid 20% is the upper limit of what is typically considered reasonable profit. As such, considering

national policy requirements to be flexible and ensure development delivers reasonable profit and is not stalled, it is concluded that the contributions – affordable housing, education provision and towards sustainable travel measures are not required in this case.

**Impact on heritage assets (setting of listed buildings, character and appearance of the conservation area and archaeology)**

Relevant policy

4.23 The site is within a designated area of archaeological importance (city centre area). As explained in Local Plan policy HE10: Archaeology the designation requires that in the designated area, proposals require an evaluation, to assess the extent and importance of any archaeological remains and that less than 5% of any archaeological deposits be disturbed or destroyed. Where 95% preservation is not possible, excavation and recording is required.

4.24 The site is within the Central Historic Core Conservation Area and prominent from the grade I City Walls.

4.25 The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining planning applications that affect a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest which it possesses. It must also pay special attention to the desirability of preserving or enhancing the character and appearance of any conservation area. Case law has made clear that the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under the 1990 Act.

4.26 The legislative requirements the 1990 Act are in addition to Central government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF’s advice on designated heritage assets includes the following requirements:

- To identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset).
- To give great weight to the asset’s conservation. The more important the asset, the greater the weight should be.
- To look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

4.27 National planning practice guidance advises that in assessment of design, consideration, where appropriate, should be given to layout, form, scale, detailing and materials.

4.28 Design of schemes in the Central Historic Core Conservation Area is guided by the management strategy within the Central Historic Core Conservation Area Appraisal Management Strategy which states the design of new buildings should:

- respect the characteristics which define York's distinctive urban form, as identified in the *Heritage Topic Paper*. For example: building lines, historic street patterns, building scale, plot and block dimensions;
- respect local building heights. This is discussed separately in section 5.8 Views and Tall Buildings, but there should be a presumption against buildings of more than 4 storeys high (plus roof) in the Conservation Area;
- place importance on the design of roofs and the roofscape: these are often in effect another public frontage because they are often highly visible from raised viewpoints (walls, Clifford's Tower, the Minster), and new development should contribute positively to the character of York's distinctive skyline in this respect;
- preserve existing views and look to create interesting new ones;
- seek to add to the variety and texture of the Conservation Area, which is one of its defining characteristics; and
- use materials appropriate to the status and context of the building

#### Significance of the heritage assets

4.29 The Heritage Topic Paper identifies the City Walls as a landmark and views from the walls are described as a defining characteristic of York which has succeeded in conserving so much of its architectural and artistic legacy.

4.30 The conservation area appraisal of the railway area states that this area contrasts starkly with the dense historic streets typical of York. Instead there are large secluded buildings - on Toft Green they are at a significantly lower level than the street. In many instances, the buildings have a poor relationship with the street and there is no consistent building line onto the pavement. Large buildings can be accommodated in this area as it is at a lower level than the commercial centre. They are already part of the existing character and relatively rare in the city.

4.31 The appraisal describes Hudson House as a characteristic building of its era which is also of interest and integrity because of its powerful sculptural form and thoughtful detailing, and the 'pin-wheel' plan around a courtyard. However, it is also flawed because it relates poorly to the streets and ramparts around it, from which it is isolated by awkward left-over spaces used for car parking and servicing (which are mostly below street level because they are at the level of the old railway). The

appraisal states that any further development on sites on Toft Green should aim to have a relationship with both the street and the wall.

### Assessment of impact on heritage assets

4.32 The applicants provided a design and access statement, heritage statement and a townscape and visual impact assessment to demonstrate their assessment of the scheme and the impact on heritage assets. There have also been addendums to the design and access statement and updated visual impact assessments to give commentary on how they have revised the scheme in response to officer advice and consultation responses.

4.33 The addendum design and access statement provided a comparison of building footprint and height between existing and proposed buildings. In the latest set of revised plans the scale of block 2; the block closest to West Offices has been reduced in scale significantly to respect the setting of the City Walls (revised further since the addendum), preserve views from along the walls and the roof form and building articulation has been reconsidered. The top floor of the office block (block 4) has been set back from Toft Green to respect the neighbouring grade II listed Toft Green Chambers. The revisions have led to an improved, more refined and calmer building that is visually less dominant.

### Setting of the Walls

4.34 The existing building on the City Walls side is 4-storey, approximately 15.5m in height. The maximum height of the proposed block (block 1) facing the City Walls would be 16.2m. The proposed block would be further from the walls and the eastern corner would be opened up and facilitate the public route between Station Road and Toft Green. The comparable footprint and massing are shown in the design & access statement addendum.

4.35 Block 2 (the block on the West Offices side) has been lowered in scale (again since the design & access statement addendum submitted in July). It would be a maximum height of 18.6m; some 3m higher than the existing block in this area. However to lessen the scale and massing of the building where it relates to the City Walls, the top floor would be set back around 8m further than the end elevation facing the City Walls.

4.36 Now Block 2 has been reduced in height and scale and the roof form simplified the proposed building would not be dominant over the City Walls and there would be no harm to views of the city, and The Minster from the relevant section of the walls.

Character and appearance of the conservation area

4.37 The host building is a standalone office block, built to a design which was of its time. It is not out of character with the Railway Area. The buildings massing respects the setting and the building is not identified as a detractor in the conservation area appraisal. HE in their consultation response explain the merits of the building.

4.38 The proposed replacement building is considered not to harm the character and appearance of the conservation area on the following grounds -

4.39 The building design adheres to the guidance for new development in the Central Historic Core Conservation Area Appraisal Management Strategy.

- The building's massing has been reduced since original submission and the roof form refined. The top floor appears integral to the overall design. The building would be nominally higher than the existing building but not over dominant.
- The building would be clad in brick, with a similar appearance to the grade II listed Toft green Chambers proposed. The detailing proposed is of good quality and will lead to a building of identity and interest. The buildings form, with decorative brick base, middle and top; defined by a parapet and lighter massing respects the local vernacular. The design quality is demonstrated in the material provided with the application and large scale detailed drawings.

4.40 There are public benefits and enhancements to the character of the area -

- The host building has been under occupied for many years. The proposed scheme proposes a mix of land uses which are identified as being of need based on local evidence bases.
- The commercial uses, improved landscaped setting and new public route through the site will bring activity and vibrancy.
- The development deals with the changes in levels between Toft Green and the application site; it provides an active frontage to Toft Green and increased public access as a consequence of the new inclusive public route. These are enhancements compared to the existing building.
- Important views from the walls – looking North-East towards the Grade II\* Grand hotel's roof and the city centre and through the application site towards the grade I listed Holy Trinity Church on Micklegate are preserved. The car parking in the space between the proposed building and West

Offices will be reduced in area and more soft landscaping introduced. The landscaping around the building, and within the courtyard (which will be evident in public views), will enhance the setting.

4.41 HE raised concern about the lack of evidence of the route of the former railway route to the old station within this scheme. Officers' opinion on this matter is that there is not evidence as such of the former railway route through the application site and adequate illustration / evidence of the route of the former railway lines through the City Walls remains by the arches within the walls and the former railway station canopy which is now publically evident from the walls following refurbishment of West Offices.

### Archaeology

4.42 The majority of the proposed development will be within the footprint of the existing C20 building and in this respect it is expected there will be limited impact on undisturbed archaeology. The applicants have undertaken a desk-based assessment and archaeological evaluation within the remaining area of the site which is not presently developed. This work was in accordance with CYC officer advice provided at pre-application stage. Officers are content that further investigation and a watching brief on groundworks can be secured by condition to meet the requirements of local policy HE10: Archaeology.

### Conclusions

4.43 Now the revised plans have reduced the prominence of the proposed building it is concluded there would be no harm to heritage assets. The overall scheme has public benefits and would enhance the character and appearance of the conservation area.

### Sustainable travel / impact on the highway network

4.44 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.

4.45 The main access for servicing, from Station Rise is unchanged in the proposals. The landscaping scheme demonstrates how surfacing will be upgraded outside the site to provide a shared space. This space would be more attractive than the existing service road, more welcoming for pedestrians and cyclists and provide amenity space. A convenient and welcoming public pedestrian route is also to be created through the site between Station Road/Queen Street and Toft Green. This

facility was welcomed by Micklegate traders in the applicant's pre-application public consultation.

4.46 The site is ideally positioned for public transport links and for the car club which has many positions in Nunnery Lane; only a short walk from the sites Toft Green access. On viability grounds no contributions towards sustainable travel are being sought.

#### Electric vehicle charging facilities

4.47 The applicants intend to install electric charging facilities. They acknowledge residents will expect this and that electric vehicle use will increase in future. 32 of the 57 car residential parking spaces will be internally located and the applicants have stated intent to construct this area so it can accommodate electric charging facilities. A condition will require provision of electric charging facilities for the residents and the spaces dedicated to the proposed office building.

#### Cycle parking

4.48 Based on the 2005 Draft Local Plan standards there should be a minimum of 1 cycle space per dwelling and a minimum of 70 spaces for the offices. Spaces should be covered and secure. The proposals meet the minimum requirements in the Local Plan.

4.49 In the office block there would be 60 cycle spaces within the building and shower \ changing facilities adjacent. There would be a further 8 uncovered visitor spaces by the entrance and 38 spaces (10 covered) alongside the access road, which could be used in association with the mix of uses over the site.

4.50 There would be secure cycle storage within each of the residential blocks at a rate of more than 1 space per dwelling.

#### Car parking

4.51 Car parking space numbers in the local plan are the maximum. A low provision would be expected here due to the sustainable location of the development.

4.52 Currently there are 82 car parking spaces on site. The proposals are for a reduction in existing provision as follows –

- 57 spaces for residents (Local Plan maximum of 132)
- 13 spaces for the offices (95)

4.53 The reduced provision is supported by estimated movements at peak times (using the TRICS database, a nationally used methodology). The predicted car



movements are approx 50 less at peak times comparing the extant office and proposed development.

4.54 Importantly the scheme enhances the setting from public views, in particular from the walls by improving the setting through landscaping and by moving much of the car parking into one of the proposed buildings.

#### Amenity of future occupants & surrounding occupants

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

4.56 Noise – the proposed development is informed by a noise assessment that identifies the required construction ensure internal noise levels achieve national targets. The works would be secured through a planning condition.

#### Impact on surrounding occupants due to scale of proposed building

4.57 The site is predominantly surrounded by commercial buildings. The increased scale of buildings and the change in footprint would not have a material impact on neighbouring buildings of similar scale on the same side of Toft Green. Toft Green itself is generous in width, around 17m wide and there is adequate space between buildings to accommodate the scale of building proposed (essentially an additional storey compared to the existing building) without an undue impact on light gain and outlook of the buildings opposite.

#### Drainage

4.58 The York Strategic Flood Risk Assessment, states that peak runoff from brownfield sites should be limited to approximately 140 l/s/ha. On this basis it is proposed to restrict runoff from the redeveloped site to a maximum rate of 80.4 l/s; this corresponds to a 30% reduction in existing peak runoff from the 0.82 ha site.

#### Impact on protected species (bats)

4.59 Bats are a species protected by law and there are a number of roosts in the building. The bat survey undertaken on behalf of the applicant's details mitigation, including the expected requirement for a license from Natural England, and replacement habitats. The mitigation is agreed by officers and would be secured through planning condition.

## 5.0 CONCLUSION

5.1 The revised scheme would not harm on heritage assets. Where the proposed building is close to the Grade I listed City Walls due to the design of the scheme, and its massing and footprint, there would not be harm to the setting of the City Walls. The images of the scheme produced by the applicants demonstrate there would be an adequate relationship in terms of massing and there would not be a harmful impact on views from the walls and therefore the public enjoyment of such. The extra massing on the Toft Green side would not harm the townscape and there are benefits to the character and appearance of the conservation area – enhanced connectivity and landscaping, provision of a mix of uses that will enhance viability, and built form of reasonable quality and sympathetic materials. To conclude there would not be harm to heritage assets.

5.2 The absence of a five year housing land supply as required by the NPPF triggers the presumption in favour of sustainable development and the second part of paragraph 14 of the NPPF. This states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

5.3 Given that the proposal would not cause any harm to the significance of heritage assets; the Central Historic Core Conservation Area and the setting of neighbouring listed buildings, including the City Walls and Toft Green Chambers, the main issue in this case is whether, having regard to material planning considerations, any adverse impacts of the development proposed would significantly and demonstrably outweigh any benefits, when assessed against the policies of the Framework as a whole.

5.4 The viability of the scheme has been subject to scrutiny and given NPPF policy and NPPG guidance on viability and the need to be flexible to ensure schemes are not stalled equates to a recommendation to approve without planning obligations. The proposals are acceptable in principle and conditions can be applied to ensure there would be no undue harm with regards amenity, impact on the highway network, ecology and flood risk.

## 6.0 RECOMMENDATION: Approve subject to conditions

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

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

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Purchase Act 2004.

Approved plans

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

**Site**

Proposed Works & Ownership Boundary - 16\_037\_(20)\_050 R1  
Ground Floor Block Plan - 16\_037\_(20)\_051  
First Floor Block Plan - 16\_037\_(20)\_052

**Landscaping Strategy**

RF16-335-I01-D  
Reform landscape and public realm strategy document RF16-355-Rev.B

**Plans**

Block 1 - Ground & 1st Floor Plans - 16\_037\_(20)\_001 R4  
Block 1 - 2nd & 3rd Floor Plans - 16\_037\_(20)\_002 R2 R4  
Block 1 - 4th & Roof Floor Plans - 16\_037\_(20)\_003 R2 R4  
Block 2 - Ground & 1st Floor Plans - 16\_037\_(20)\_010 R2  
Block 2 - 2nd & 3rd Floor Plans - 16\_037\_(20)\_011 R2  
Block 2 - 4th & 5th Floor Plans - 16\_037\_(20)\_012 R3  
Block 2 - 6th & Roof Floor Plans - 16\_037\_(20)\_013 R3  
Block 3 - Ground Floor Plan - 16\_037\_(20)\_020 R4  
Block 3 - 1st & 2nd Floor Plans - 16\_037\_(20)\_021 R5  
Block 3 - 3rd & 4th Floor Plans - 16\_037\_(20)\_022 R4  
Block 3 - 5th & 6th Floor Plans - 16\_037\_(20)\_023 R4  
Block 3 - 7th & Roof Floor Plans - 16\_037\_(20)\_024 R3  
Block 4 - Ground & 1st Floor Plans - 16\_037\_(20)\_030 R3  
Block 4 - 2nd & 3rd Floor Plans - 16\_037\_(20)\_031 R2  
Block 4 - 4th & 5th Floor Plans - 16\_037\_(20)\_032 R3  
Block 4 - Roof Plan - 16\_037\_(20)\_033 /R2

**Elevations**

Block 1 - West & South Elevations A1 1:100 16\_037\_(20)\_100 R4  
Block 1 - North & East Elevations A1 1:100 16\_037\_(20)\_101 R2  
Block 2 - East & North Elevations A1 1:100 16\_037\_(20)\_110 R3  
Block 2 - South & West Elevations A1 1:100 16\_037\_(20)\_111 R3  
Block 3 - East & South Elevations A1 1:100 16\_037\_(20)\_120 R4  
Block 3 - North & West Elevations A1 1:100 16\_037\_(20)\_121 R3  
Block 4 - West & North Elevations A1 1:100 16\_037\_(20)\_130 R3  
Block 4 - East & South Elevations A1 1:100 16\_037\_(20)\_131 R3

**Sections**

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Site Sections A-A & B-B - 16\_037\_(20)\_200 R1

Site Section C-C & D-D - 16\_037\_(20)\_201 R1

Site Sections E-E - 16\_037\_(20)\_202 R1

Block 1 Detailed Bay Section A0 1:25 16\_037\_(20)\_210 R1

Block 2 Detailed Bay Section A0 1:25 16\_037\_(20)\_211 R1

Block 3 Detailed Bay Section A0 1:25 16\_037\_(20)\_212 R1

Block 4 Detailed Bay Section A0 1:25 16\_037\_(20)\_213

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

### Construction management

3 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 measures for dealing with any complaints 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 CEMP, unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall include the following information -

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 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 on measures the developer will use to minimise dust blow off from site. Such measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative

emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

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

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

Reason: The requirements of this condition need to be approved prior to commencement to protect the amenity of the area, in accordance with the National Planning Policy Framework paragraph 123.

#### Highway Network Management

4 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

5 Prior to the development commencing a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

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

Bats (European Protected Species Licence)

6 Works to the exterior of Hudson House, such as removal of the cladding, demolition or other activity likely to cause harm to bats, shall not commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To protect a European Protected Species in accordance with NPPF paragraphs 117 and 118.

Archaeology

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

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

8 No groundwork shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences and the development carried out in accordance with the approved details.

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

### Investigation of Land Contamination

9 No groundwork shall commence until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings produced. The written report shall be approval in writing by 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.

### Submission of a Remediation Scheme

10 Prior to the commencement of construction of the buildings hereby approved 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 shall 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.

### Bats (Mitigation)

11 Prior to the commencement of construction of the buildings hereby approved details of what measures are to be provided within the scheme to accommodate bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc. There will be a need to provide a minimum of 11 bat tubes or boxes across the site located in similar locations as those that currently exist.

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

### Repeat Bat Surveys

12 If the development hereby approved does not commence within one year of this permission, or demolition is not completed within two years from the date of this permission, the approved ecological measures secured through Conditions 6 and 11 shall be reviewed and updated. The review shall be informed by further ecological surveys commissioned to –

- establish if there have been any changes in the presence and/or abundance of bats and
- identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To account for changes in the distribution or abundance of mobile protected species on site and ensure associated mitigation remains relevant.



## Materials

13 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.

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

Details of all non-right angle corners shall also be clarified. (These elements are to be made out of brick specials not glued cut bricks, because this feature is a strong element of the design and so should not appear to be compromised).

Note: Sample materials must be made available for inspection at the site, ideally all materials will be approved concurrently. 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 and in the interest of heritage assets.

## Large scale details

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

Notwithstanding the approved plans details of the glass balustrade to the roof of block 2 by the City Walls. This shall illustrate the design in context and show the balustrade set back significantly from the building edge.

- a) Typical windows for both residential and office - to be viewed as on-site a physical built mock up on site including brick reveals and lintels for approval.
- b) Entrance doors and their surrounds to each block
- c) Any edge guarding or roof protrusion types for service or access.

Reason: In the interests of visual amenity and the character and appearance of the conservation area, in accordance with the National Planning Policy Framework paragraph 7.

### Drainage

15 Prior to construction details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, shall have been submitted to and approved by the Local Planning Authority. The details shall include the means of restricting surface water discharging to public sewer to a maximum discharge rate of 80.4 litres per second, in accordance with the submitted Drainage Assessment (Weetwood - Report 3650/DA/Final/v1.1/2017-02-03 dated February 2017).

Reason: To avoid increased flood risk in accordance with National Planning Policy Framework paragraph 99.

### Verification of Remedial Works

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

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

### Reporting of Unexpected Contamination

17 In the event that unexpected 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.

### Landscaping

18 The hard landscaping measures shall carried out in accordance with the

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approved Reform plans (drawing RF16–335-I01-D) and Public Realm Strategy prior to first use of the development hereby approved unless otherwise approved by the Local Planning Authority.

The soft landscaping shall be provided and maintained in accordance with the approved Reform plans and the Landscape and Public Realm Strategy before the end of the first planting season following first occupation of the development hereby approved unless otherwise approved by the Local Planning Authority. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the character and appearance of the conservation area, in accordance with the National Planning Policy Framework paragraph 7.

#### Residential amenity – Noise

19 The building envelope of all dwellings 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 45dB(A) on more than 10 occasions in any night time period. Noise levels shall be observed with windows open in the habitable rooms or with windows shut and other means of ventilation provided.

The detailed scheme shall be approved in writing by the Local Planning Authority, fully implemented and a post completion noise assessment undertaken to demonstrate compliance with this condition before the use approved in is occupied.

Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s), which would affect the performance of the building fabric in terms of noise attenuation, shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of future occupants from noise, in accordance with the National Planning Policy Framework paragraph 123.

#### Electric vehicle charging points

20 Before the occupation of the development at least 2 electric vehicle recharging points and associated dedicated parking bays shall be provided on-site and the facilities maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

The location and specification of the charging points and parking bays shall be approved by the Local Planning Authority and provided in accordance with the approved details.

Reason: To promote and facilitate the uptake of electric vehicles in accordance with the Council's Low Emission Strategy and the National Planning Policy Framework (paragraph 39).

INFORMATIVE: Electric Vehicle Recharging Point means a recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development, to allow further recharge points to be added if demand necessitates this.

#### Noise - Plant and machinery

21 Details of all machinery, plant and equipment to be installed, which is audible outside of the application site, shall be submitted to the Local Planning Authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before first use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area, in accordance with the National Planning Policy Framework paragraphs 17 and 123.

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

#### Cooking odours

22 There shall be adequate facilities for the treatment and extraction of cooking odours at the commercial premises hereby approved. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Reason: To protect the amenity, in accordance with the National Planning Policy Framework paragraphs 17 and 123.

INFORMATIVE: It is recommended that the applicant refers to the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

### BREEAM (offices)

23 The office development shall be constructed to a BREEAM standard (or equivalent) 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'

### Cycle parking

24 Prior to first use of the development hereby permitted the cycle storage and ancillary facilities, as shown on the approved plans, shall be installed and made available for use. External cycle parking shall be provided, using Sheffield type stands or similar, as detailed in the design and access statements. The facilities shall be retained for the lifetime of the development.

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.

### Bin Storage

25 Facilities for waste and recycling shall be provided in accordance with the approved plans prior to first use of the relevant block. There shall be adequate space provided for waste storage within the approved buildings at all times.

Reason: In the interests of visual amenity.

### Travel Plan

26 The development shall operate in accordance with the Travel Plan version 2 prepared by Fore 6 July 2017.

The travel plan (including its associated monitoring and objectives) shall be updated annually in accordance with National Planning Policy Guidance and made available for assessment by the Local Planning Authority at their request.

Reason: To promote sustainable modes of transport, in accordance with section 4 of the National Planning Policy Framework, in particular paragraphs 35 and 36.

### Deliveries

27 Upon completion of the development, delivery vehicles to the commercial use shall be confined to the following hours:

Monday to Friday 07:00 to 18:00

Saturdays, Sundays and Bank Holidays 09:00 to 16:00

Reason: To protect the amenity of local residents, in accordance with the National Planning Policy Framework paragraphs 17 and 123.

### Noise – amplified/recorded music

28 Any amplified / recorded music played at the commercial premises hereby approved shall not exceed existing background levels, when measured at a distance of 1m from the relevant commercial facade.

Reason: In the interests of amenity and the character and appearance of the conservation area, in accordance with the National Planning Policy Framework paragraphs 17, 123 and section 12.

### Drainage and Pollution

29 Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hard-standing must pass through an oil,

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petrol and grit interceptor/separator of adequate design before any discharge.

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

Reason: To avoid increased flood risk and to ensure proper drainage provision in accordance with National Planning Policy Framework paragraph 99 and the overall requirements of section 11.

## **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 order to achieve a positive outcome: required revised plans to address design issues and through the use of planning conditions and a legal agreement.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

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Hudson House, Toft Green



Scale : 1:1283

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 August 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 17 August 2017      **Ward:** Acomb  
**Team:** Major and      **Parish:** No Parish  
Commercial Team

**Reference:** 17/01072/FUL  
**Application at:** The Old School Business Centre Low Poppleton Lane York YO26 6AZ  
**For:** Construction of 2no. access roads onto Boroughbridge Road and Millfield Lane and a link road across the former Manor School Site in association with the redevelopment of the former British Sugar site, with associated demolition of former school buildings  
**By:** British Sugar  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 7 August 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to the former Manor School site and the former British Sugar site. Housing development is proposed on the latter and is the subject of other applications currently under consideration (14/02798/FULM & 14/02789/OUTM and duplicate applications 15/00523/FULM & 15/00524/OUTM).

1.2 The proposals within this application are for the vehicle access points into the British Sugar site only; the Millfield Lane access, the junction changes at Low Poppleton Lane/Beckfield Lane and the proposed road through the former school site. To facilitate the road demolition of the former school buildings are also proposed in this application.

**2.0 POLICY CONTEXT**

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

National Planning Policy Framework ( NPPF )

2.2 Paragraph 14 of the NPPF says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the

development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations, flood risk areas, site protected under the Birds and Habitats directive and Sites of special scientific interest).

2.3 Most relevant sections of the NPPF to this application are as follows –

1. Building a strong, competitive economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment

#### “Development Control Local Plan” 2005 (DCLP)

2.4 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

2.5 Policies considered to be compatible with the aims of the NPPF and most relevant to the development include

CYGP1	Design
CYED1	Primary and Secondary Education
CYED5	Further and Higher Education Institutions
CYT2	Cycle pedestrian network
CYNE6	Species protected by law
CYNE7	Habitat protection and creation
CYT5	Traffic and pedestrian safety
CYT18	Highways

#### Emerging Local Plan

2.6 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded 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.

2.7 The main draft policies that are relevant to matters raised by this application are:

- DP2 Sustainable Development
- DP3 Sustainable Communities
- H1 Housing Allocations
- D1 Landscape and Setting
- D2 Place-making
- T1 Sustainable Access

### **3.0 CONSULTATIONS**

INTERNAL

Planning and Environment  
Landscape

3.1 No objection to the design of the proposed road. Aesthetically the planting scheme is acceptable. It is noted other officers would need to be content with the planting proposed if the Council would be responsible for future maintenance.

Arboricultural Manager (responsible for maintenance of street trees)

3.2 Officers advise that if the Council were expected to maintain the landscaped areas, planting would have to be designed and shaped to accommodate large ride on mowers only and not require strimming or mulch top ups. The council has no funds for strimming so generally use weed killer once a year around fiddly sections where large mowers can't get in to cut grass. Large trees (30-35cm girth) will require at least a 5 year maintenance period to become established. The Council would not be able to fund replacements.

Ecology

3.3 The baseline ecology information collated for the whole British Sugar site outline applications is now over four years old.

3.4 In particular the former Manor School will be demolished and bat surveys previously undertaken confirmed roosts in several parts of the buildings. This survey information needs to be up dated in line with current best practice guidance (Bat Conservation Trust, 2016) and a detailed mitigation scheme presented. As protected species are a material consideration we must assess the likely impact on them when determining an application and can not condition further surveys. This is set out in Government advice (ODPM Circular 06/2005, para. 98 & 99) which states that the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before

planning permission is granted, since otherwise all material considerations might not have been considered in making the decision. This approach is re-iterated in the British Standard BS 42020:2013 Biodiversity - Code of practice for planning and development.

3.5 It is not clear what extent of vegetation removal will take place, particularly at Millfield Road and no mitigation has been proposed - there would be a temporal impact between this application and the new landscape planting for the whole British Sugar site. Mature trees will need to be (re)assessed for their potential to support roosting bats.

### Highway Network Management

3.6 Officers have no objection to the scheme and have recommended conditions for the final stages of a road safety audit, to approve the detailed engineering of the road and to manage the impact on highway network during construction.

3.7 The submitted application seeks approval solely for the creation of access points and initial means of access to serve the former British Sugar site. The suitability of the proposed highway and access works have been assessed from a design, operational and safety perspective, in conjunction with Transport Assessments submitted in support of the planning applications for housing. In itself, no trafficking implications would arise from this application other than those generated by the construction of the works themselves.

3.8 A condition is sought which will require the submission of a comprehensive package of details for the alterations to existing highways and the creation of a new piece of road connecting from Boroughbridge Road – Low Poppleton Lane prior to any works commencing on site. Such details would be considered by the Council as Local Highway Authority to ensure adequacy and appropriateness. These would be contained within a legal agreement (Highways Act 1980 Section 278 and 38) which would give lawful authority for such works to be undertaken.

3.9 A condition is also sought which requires the submission of details of how the access road and highway works would be planned and undertaken, such that the impacts arising (e.g. construction worker parking, materials delivery and temporary traffic management) are comprehensibly set down, clear and approvals in place, again prior to the commencement of activities. A further condition requiring a full safety audit process to be fulfilled is required in align with standard practise.

3.10 The traffic and transport implications which will arise from the development of the former British Sugar site for (primarily) housing, have been presented as part of planning applications 14/02798/FULM & 14/02789/OUTM and duplicate applications 15/00523/FULM & 15/00524/OUTM. These are supported by a Transport Assessment and Travel Plan. These submissions are under evaluation and

negotiations are ongoing. The implications and mitigation will be presented in the report for that application in due course.

### Public Protection

3.11 This specific application involves the construction of two access roads, one across the former Manor CE School site and the other small access road from Low Poppleton Lane further to the north.

3.12 The primary issue is the potential noise, dust, vibration and lighting impact that may occur during the road construction process. Information submitted with the application identifies the potential for some impact but this could be mitigated through an appropriate noise management plan/construction environmental management plan. As a result of which officers request conditions requiring agreement of a construction management plan and for the times of works to be restricted.

3.13 Traffic noise - An updated noise assessment was provided by the applicant in pre-application discussions along with comments from their consultant AECOM on the impacts specifically on Millgates. Whilst there is likely to be some impact the revised noise assessment found that any impact would most likely be reduced by the barrier effect of any new building provided. In addition any noise increases would be gradual and occur over a number of years. However such an impact is not relevant to this application which only relates to the construction of the access roads rather than the overall development itself.

3.14 Land contamination - no objection to the proposal to build two new access roads into the former British Sugar site. Roads are not considered to be vulnerable/sensitive end uses and the proposed access roads are not located on parts of the site which have previously been used for landfill, so land contamination is not expected to be present in these areas. However, we would recommend that the following planning condition is attached to any planning consent, in case unexpected contamination is found during the development works.

### EXTERNAL

#### Ainsty Drainage Board

3.15 No objection. Request a condition for surface water drainage works to be approved.

3.16 Where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

3.17 This application is for the construction of 2 access points and a link road across the former Manor School site in association with the redevelopment of the former British Sugar site, including partial demolition of the existing school buildings on site. The works would appear to enlarge the impermeable area on site and therefore has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

3.18 The current proposal will require effective drainage arrangements whether those form part of the scheme for the main site or a stand-alone solution is developed.

### Nether Poppleton Parish Council

3.19 The parish council made the following comments -

- Where practical the hedgerow should be retained on the Millfield Lane side of the site to ensure that natural habitat is retained and to act as a visual and sound barrier.
- Access to the Tangerine Factory from Millfield Lane should be retained.
- Access through to Low Poppleton Lane should be restricted by the rising Bollard being repaired.
- Access through the Former British Sugar Site should be a controlled zone with speed limits of 20mph to ensure that the new development does not encourage vehicles to use it as a short cut.
- When the development is complete and the bus journey to York is through the site consideration should be given to permanently closing off Low Poppleton Lane to anything but residential traffic for safety and security reasons.
- A full traffic survey and planned vehicle movements should be submitted with the proposals for site development.

### Publicity

3.20 Six objections have been made as a result of the public consultation. The objections have been as follows -

#### Highway safety grounds

- Boroughbridge Road is regularly congested without the addition of a further 1100 cars. There is not capacity to accommodate this development.
- Millfield Lane
  - Works would introduce a busy access point which would be dangerous on the corner of Millfield and Low Poppleton Lane. Concern over the number of access points that would result into the British Sugar site.
  - Loss of lay-by which is used for lorries waiting to enter the Tangerine factory site.



#### Ecology / recreation

- Loss of part of the nature reserve along Millfield Lane to accommodate the access is unjustified.
- The aim should be to minimise the footprint of the link road to maximise retention of usable recreation green space to the south of the link road.
- Former Playing fields (southern side of the link road). It is not clear how public access to this area would be restricted or how it would be accessed for upkeep / maintenance.

#### Air quality / Pollution / Noise

- Concern over impact on existing residents in particular along Millgates as a consequence of cars using the link road.

### **4.0 APPRAISAL**

#### Key Issues

- Highway network
- Amenity of surrounding occupants (traffic noise / air quality)
- Demolition of former school buildings
- Ecology

#### Impact on the highway network & suitability of the proposed access roads

4.1 In principle the highway works proposed accord with policy because they are required to enable housing development on a vacant site. Residential development of the British Sugar site accords with the core principles in the NPPF, specifically to

–

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value

4.2 Policy T18: Highways of the 2005 Draft Local Plan advises as to when it is considered that development to increase road capacity will be supported. This scheme accords with the criteria primarily because it would -

- facilitate the Council's economic programme;
- open up vacant land for development;
- reduce conflicts between vehicle and pedestrian / cyclists;
- incorporate public transport facilities.

4.3 Policy T18 is consistent with section 4 of the NPPF which states "transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives... The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".

4.4 The impact of the proposed housing at British Sugar on the highway network is not material to this application; the impact will be assessed under the outline application for (predominantly) residential development at the British Sugar site. As part of the outline application a TA has been undertaken (the latest version being produced by DTA and dated January 2017) which has modelled the impact of the proposed development on the local network and proposed mitigation where necessary.

4.5 A stage 1 road safety audit of the proposals, including the junction works and access points has been undertaken and no concerns/issues were raised. Further audits will be secured through planning condition, as these would be undertaken as the detailed/technical design is progressed with officers under the Highways Act.

4.6 The proposed access roads are compliant with highway design advice in the NPPF (specifically paragraph 35). The scheme promotes the use of sustainable transport modes by being designed to reasonably give priority to pedestrian and cycle movements and would create a safe and secure layout which would minimise conflicts between traffic and cyclists or pedestrians.

4.7 The new access roads have been designed in accordance with Manual for Streets national guidance. The streets are designed to limit vehicle speeds to 20mph and encourage walking and cycling.

4.8 There would be a 3.5m wide shared pedestrian/cycle path alongside the proposed access road. There will be pedestrian/cycle routes through the development which will provide safe and efficient routes through the site and to the proposed community hub.

4.9 Each side of the road will typically be 3.5m wide along the FMS link. Vehicle speeds will be kept low by limiting driver forward visibility, by virtue of the road alignment and tree planting and other landscaping proposed for each side of the road and within the central reservation.

4.10 At Millfield Lane the extent of road proposed within this application is no more than the connection point onto Millfield Lane and provision for pedestrians to continue along the footpath.

Amenity of surrounding occupants (traffic noise & air quality)

4.11 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. It states planning decisions should aim to -

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- Ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

4.12 DCLP policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.13 Policy GP4b: Air Quality requires this proposal for development, although outside an AQMA, to assess their impact on air quality due to the likely -

- cumulative impact of traffic generation
- the significant number (300 or more spaces) of additional parking to be provided

4.14 The impact of noise and on air quality will be fully assessed in the application to re-develop the former British Sugar site. The applicants have detailed methodology and assessed the impact in their Environmental Statement. Mitigation is not required as a consequence of the construction of the access roads in isolation; any required mitigation would be required within the application(s) for residential development and the site remediation.

4.15 As residents have made representations about noise and air quality, the impact of the proposed housing development is explained below.

Noise

4.16 Traffic noise modelling showed a gradual impact on Millgates (8 dB increase) over the 20 years it is envisaged to take for the development of the British Sugar site to be completed. The 8 dB increase was a worse case scenario, predicted at the dwelling closest the proposed link road and did not factor in either development of the community hub buildings or development of the FMS playing field. The latter is envisaged as the FMS site, including the former playing fields are currently allocated as housing sites in the emerging Local Plan. Such developments would act as a barrier and reduce the noise from traffic to a negligible level (a maximum of 2dB measured at 1<sup>st</sup> floor level, which would be 'just perceivable' as defined in BS: 4142) which would be compliant with WHO recommended noise levels for within dwellings and resident's gardens..

## Air Quality

4.17 The operation of the proposed development was shown to lead to a small increase in annual mean nitrogen dioxide concentrations at a number of receptors - along the A59, A19 and Water End. However, in the current and future baseline scenarios and the future 'with-development' scenario, concentrations of nitrogen dioxide and particulate matter are predicted to remain below the national air quality objective values.

### Demolition of former school buildings

4.18 NPPF section 8: Promoting healthy communities states that to deliver the social, recreational and cultural facilities and services the community needs, decisions should:

- plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

4.19 The proposals do not conflict with section 8 of the NPPF, as there would be no loss of community facilities.

4.20 The site formerly accommodated Manor School and its associated playing fields. Since the school closed there has been no official access to the playing fields. The school facilities have been replaced on Millfield Lane. The buildings have since accommodated a nursery (Muddy Boots) which is due to move to a new site further west along Boroughbridge Road (The Gardens, permission granted under application 15/01836/FUL).

4.21 The land to each side of the proposed FMS link road is council owned and not currently the responsibility of the applicants. The issues of access, upkeep and security of the sites adjacent are not material to the application.

### Ecology / Bats

4.22 Section 11 of the NPPF: Conserving and enhancing the natural environment states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

4.23 Previous bat surveys undertaken in 2014 identified bat roosts within the former school buildings. A more recent survey was carried out in July 2017, which found bats still to be present in the building. The latest survey recommends mitigation measures. Mitigation needs to be secured through condition. A condition will be provided as a committee update as council's ecology officers are yet to consider the content of the surveys and associated reports carried out late July.

4.24 Along Millfield Lane only a short stretch of the existing hedge would be removed to accommodate the access road. A planning condition is proposed to require the protection of the remaining vegetation during the works and that a bat survey be undertaken, and any required mitigation agreed before any vegetation is cleared. There would also be replacement planting at this access point. A more comprehensive planting scheme is proposed for this area, which will be undertaken following the required remediation and proposed re-profiling of the site the subject of the main applications for re-development.

## **5.0 CONCLUSION**

5.1 The scheme will facilitate a necessary access through the Former Manor School site which will assist in facilitating re-use of a large brownfield site in the urban area. As such the proposals accord with the NPPF core principles - to proactively drive and support sustainable economic development to deliver needed homes and encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. The road, considered in isolation would have no undue harmful impact on highway safety or amenity. It is proposed approval be granted subject to conditions to cover ecology, road safety, visual amenity and landscaping, drainage and construction management.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

- 1 TIME2 Development to start within three years
- 2 Approved Plans

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

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Site Plan - 04084 REV A

DTA technical drawings

17424-37H-DIMS REV I – Boroughbridge Road Access Dimensions

17424-37H-TRACK REV I – Boroughbridge Road Access Vehicle Tracking

17424-37H-VIS REV I - Boroughbridge Road Access 60m Forward Visibility

17424-40-DIMS REV C – Millfield Lane Access Dimensions

17424-40-VIS REV C – Millfield Lane Access 60m Forward Visibility

17424-40- TRACK REV C – Millfield Lane Access Vehicle Tracking

AECOM landscaping plans

60531863\_BS\_LS\_004 – REV F - Main Entrance Soft Landscape Design

60531863\_BS\_LS\_005 – REV D – Main Entrance Soft Landscape Design

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

A site specific 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 procedures for dealing with any complaints shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. All works on site shall be undertaken in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall include the following measures –

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. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

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.

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

Reason: The condition is necessary prior to commencement of development to protect the amenity of local residents.

#### 4 Highways – method of works

A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the highway and access works commencing. Construction shall be carried out in accordance with the approved details.

The statement shall include the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing

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.

5 Bats - Millfield Lane

No development shall take place until a bat survey, has been submitted to and approved in writing by the Local Planning Authority. Should bats be found, the survey shall include a mitigation strategy to avoid impacts on bats. Any approved bat mitigation strategy shall be implemented in its entirety in accordance with the approved details.

Reason: To ensure no bats have colonised the trees since previous surveys and to approve any mitigation if necessary to ensure minimising impacts on biodiversity and providing net gains in biodiversity where possible in accordance with the section 11 of the NPPF.

6 Bats – Former Manor School Buildings

A scheme of mitigation is required prior to the demolition of buildings as bats are present. Members to be informed of the wording of condition at committee.

7 Restoration following demolition of Former Manor School (FMS)

A scheme for making good of the Former Manor School (FMS) site shall be submitted to and approved in writing by the Local Planning Authority prior to demolition of the FMS. The approved scheme shall be fully implemented within, or before the end of, the first planting season following demolition. The landscaping shall be reasonably maintained at all times. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to provide net gains in biodiversity where possible, in accordance with paragraphs 58 and 109 of the NPPF.

8 Detailed road design

Comprehensive highway engineering details, together with a phased programme of delivery, shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the access roads hereby approved.

The details shall include the following:



- The proposed alterations to the Boroughbridge Road – Beckfield Lane – Low Poppleton Lane junction, associated works within the highway together with the provision of a new access road as indicatively shown on drawings 17424-37H-DIMS & 17424-37H-VIS
- The proposed means of access from Millfield Lane and associated works within the highway as indicatively shown on drawings 17424-40-DIMS & 17424-40-VIS

The works shall be implemented in accordance with the approved details to the complete satisfaction of the Local Planning Authority, prior to first use of the development hereby approved.

Reason: In the interests of the safe and free passage of highway users and to ensure the comprehensive completion of appropriate transport infrastructure.

## 9 Surface water drainage

Prior to commencement of the relevant part of the development the Local Planning Authority (in consultation with the Internal Drainage Board) shall approve a scheme for the provision of surface water drainage works. The approved scheme shall be implemented in accordance with the approved details prior to the development being brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

INFORMATIVE: The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

## 10 Landscaping - Millfield Lane Access

Prior to the commencement of construction of the Millfield Lane access (as shown

on AECOM drawing 60531863\_BS\_LS\_005) details of the following shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details -

- a) A plan showing trees/vegetation to be retained and details of the protection measures to be employed during construction.

The landscaping scheme for the area, as shown on the approved AECOM drawing, shall be carried out before the end of the planting season following completion of the approved works. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to provide net gains in biodiversity where possible, in accordance with paragraphs 58 and 109 of the NPPF.

#### 11 Tree protection measures (FMS)

Trees within the Former Manor School site which are to be retained, as detailed within the Arboricultural Statement by Ian Keen reference IJK/6810/WDC dated May 2017 and the associated Tree Protection Plan drawing 6810/02 rev B, shall be protected in accordance with the aforementioned report and plan during construction.

Reason: In the interests of visual amenity and to provide net gains in biodiversity where possible, in accordance with paragraphs 58 and 109 of the NPPF.

#### 12 Replacement planting scheme and subsequent upkeep (FMS link road)

The hard and soft landscaping, as shown on approved AECOM drawing 60531863\_BS\_LS\_004 – REV D, shall be fully implemented within (or before) the end of the first planting season following completion of the Boroughbridge Road access / FMS link road. Prior to the removal of any trees a schedule for implementing the approved landscaping scheme shall be approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

The landscaping shall be reasonably maintained at all times. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to provide net gains in biodiversity where possible, in accordance with paragraphs 58 and 109 of the NPPF.

### 13 Road Safety Audit

A full 4 stage road safety audit, carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council, shall be carried out for the works as indicatively shown on the approved DTA drawings or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. All required stages of the audit shall be carried out prior to first use of the development hereby approved unless otherwise approved by the Local Planning Authority.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

### 14 Reporting of Unexpected Contamination

In the event that unexpected 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. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The approved remediation scheme must be carried out in accordance with its terms and timetable. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, which is subject to the approval in writing of the Local Planning Authority.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the Local Planning Authority 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: sought revised plans & through the use of planning

conditions.

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (Works in the highway - Section 38 & 278).

3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323



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## COMMITTEE REPORT

**Date:** 17 August 2017      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Parish of Rufforth with  
Commercial Team      Knapton

**Reference:** 16/02303/FUL  
**Application at:** Rufforth Playing Fields Wetherby Road Rufforth York  
**For:** Change of use of land to a caravan and camping site  
**By:** Mr Edward David Preston  
**Application Type:** Full Application  
**Target Date:** 18 August 2017  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Rufforth Playing Fields comprises a large open playing field area with football and cricket pitches, tennis courts and a two storey brick built club house lying in a visually prominent location within the Green Belt to the east of Rufforth village. The site is presently used for caravan rallies under the auspices of the Caravan and Motor home Club and operates as an exempt site for five caravans or Motorhomes and up to 10 tents or less for a maximum of 28 consecutive days at any one time within the Caravan and Motorhomes Club regulations. Planning permission is sought for the change of use of the site to form a caravan and camping site. The item was deferred from consideration at the December 2016 Planning Committee to allow for detailed information in respect of the site layout, drainage, landscaping and case for "very special circumstances" to be duly submitted and considered. This information has now been submitted.

### 2.0 POLICY CONTEXT

See section 4 below.

### 3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection expressed concern in terms of the lack of information forthcoming in terms of the layout, numbers of pitches, or the management of the site in respect of the proposal as originally submitted.

3.2 Highway Network Management raises no objection to the proposal.

3.3 Strategic Flood Risk Management were consulted with regard to the proposal on 14th October 2016. Views will be reported orally at the meeting.

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3.4 Public Health (Sport and Active Leisure) expressed concern in terms of the lack of information forthcoming in terms of layout, numbers of pitches, or the management of the site in respect of the proposal as originally submitted.

**EXTERNAL:-**

3.5 Environment Agency raises no objection in principle to the proposal but raise concerns in respect of the lack of information relating to foul drainage from the site and the proximity of the waste disposal operations that may give rise to noise and odour at Harewood Whin to the north east.

3.6 The Ainsty (2008) Internal Drainage Board raises no objection in principle to the proposal but expresses some concern in terms of the lack of information in respect of surface water drainage and recommends that any permission be made subject to a condition requiring prior approval of a detailed surface water drainage scheme.

3.7 Rufforth with Knapton Parish Council raises no objection in respect of the proposal as revised.

3.8 Rufforth United Junior Football Club wishes to support the proposal as revised on the basis of the additional funds that the caravanning activities generate to develop and sustain the other sporting and recreational activities at the site.

3.9 Rufforth with Knapton Parish Planning Group wishes to support the proposal on the basis of the additional funds it generates to develop sporting and other recreational activities at the site.

3.10 Three letters of representation have been received supporting the proposal as amended. The following is a summary of their contents:-

- Support for the on-going revenue stream that the caravanning and camping activities at the site provides to reinvest in the provision of sports facilities for children and adults in the locality.

## **4.0 APPRAISAL**

### **KEY CONSIDERATIONS:-**

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

- Impact upon the open character and purposes of designation of the Green Belt;
- Impact upon landscape character;
- Impact upon the residential amenity of neighbouring properties;
- The adequacy of proposed foul and surface water drainage arrangements.



## PLANNING POLICY CONTEXT:-

### Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York, comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

### Local Plan

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

- Relevant draft policies are:
- CGP15A - Development and Flood Risk
- CYGB1 - Development within the Green Belt
- CYV1 - Criteria for visitor related development

### Emerging Local Plan

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

policies is capable of being a material consideration in the determination of the planning application.

#### The National Planning Policy Framework (NPPF)

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

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

4.7 IMPACT UPON RESIDENTIAL AMENITY:- Central Government Planning Policy in respect of amenity as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" urges Local Planning Authorities to give significant weight to the need to secure a good standard of amenity for all new and existing occupants of land and buildings.

4.8 DRAINAGE MATTERS: - Central Government Planning Policy in respect of surface water drainage as outlined in paragraph 103 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.

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

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

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. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.12 The proposal seeks planning permission for change of use of a part area of the existing playing field to form a camping and caravan site operated under the auspices of the Rufforth Playing Fields Association. The site has been used on an ad hoc basis since the early 1990s for caravan rallies of various sizes and as a Caravan Club exempt site for five caravans or less as a touring site over the summer months for the same period. The current proposal as amended seeks to continue that on a more formalised basis under the direct control of the Association and as such it would no longer benefit from the Permitted Development Rights that would otherwise apply. The field in use is accessed via the northern access to Rufforth Airfield to the north east with the club house and car park bounding the site to the north. The remainder of the site is extremely open, being particularly visible in longer distance views to the south and south west. With the exception of the northern edge of the site the area remains largely open and undeveloped in character. With the amended application details the applicant has submitted a detailed landscape character survey which examines the wide context of the site and locates specific areas to accommodate both the continuing caravan rallies and the proposed small scale touring caravan use. The two areas have been identified in order to lessen impact upon openness and further opportunities for internal landscaping in order to mitigate further any harm have been identified.

4.13 Paragraph 89 of the National Planning Policy Framework identifies certain forms of development as not inappropriate in the Green Belt. One such exception exists in respect of facilities for outdoor recreation providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal on the basis of the information that has been submitted is simply for a material change of use and is therefore deemed to be inappropriate within the Green Belt because the exceptions do not permit a material change of use. The proposal is therefore inappropriate development and should only be approved where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to very special circumstances.

4.14 In terms of the impact upon the openness of the Green Belt, the site lies within a gently rolling agricultural landscape at the periphery of Rufforth Airfield. Its surroundings are characterised by the local traditional pattern of field boundaries with mature hedges in native species with isolated mature trees. The amended proposal indicates no greater degree of intensity than the existing arrangements however, by its very nature it falls outside of the categories of development identified as being appropriate in paragraphs 89 and 90 and the requirement to present a case for "very special circumstances" therefore applies in this case.

4.15 Paragraph 80 of the National Planning Policy Framework identifies five purposes of designation for Green Belt areas two of which may be considered to be of some relevance in the current context. In terms of safeguarding the setting of historic towns the operation would follow the existing pattern of intensity and so would not be of such a scale or character as materially harm the setting of the Historic City. At the same time the proposal envisages securing the continuance of a pattern of usage that has occurred under different management arrangement over a long period. As such it can not be seen to lead to an encroachment into open countryside.

4.16 In submitting the revised details the applicant has emphasised the longevity of the operation albeit on an ad hoc basis. A detailed statement outlining the degree to which revenue from the caravanning activities under pin sports provision at the site for the wider community has been submitted. The intensive involvement of local clubs based at the site at both senior and junior level in local and regional leagues covering cricket, football and tennis is also emphasised. Through the submitted detail it is made clear that the community provision for Rufforth is of a high quality and that the revenue generated by the caravanning activities comprises an important element of securing its long term maintenance. These considerations are put forward as a case for "very special circumstances" to overcome harm to the Green Belt as required by paragraphs 87 and 88 of the NPPF.

#### IMPACT ON LANDSCAPE CHARACTER

4.17 The application site comprises a large gently rolling area with lightly landscaped boundaries to the south of the B1224 Wetherby Road and to the south east of Rufforth village. It is largely sheltered in long and short distance views from outside of the application site by the local topography and elements of the landscaping. The applicant has agreed to undertake additional boundary landscaping and as such the proposal is felt to be acceptable in landscape terms.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.18 The proposal lies within an area of open countryside directly to the east of Rufforth village however there two groupings of dwellings to the north east and

south east of the site associated with the former airfield use at the site and the agricultural holding presently occupying the eastern and central sections of the former airfield. The amended application details clearly indicate that the site would be operated on identical basis to that previously arranged under the auspices of the Caravan Club with regular weekend rallies and a low level touring caravan use through the summer months. There would not as a consequence be an intensification of the usage of the site which would as a consequence give rise to any material harm to the residential amenity of neighbouring properties I.E. There will be no increase in touring pitches above the current maximum number of 15.

#### PROPOSED FOUL AND SURFACE WATER DRAINAGE ARRANGEMENTS:-

4.19 Central Government Planning Policy as outlined in the National Planning Policy Guidance indicates a hierarchy of foul drainage disposal arrangements with a connection to a public foul sewer the ideal solution with a package treatment plant as the most favoured alternative where a public connection is not for any reason achievable. The submitted documentation however indicates a septic tank would be used as the means of foul water disposal. The amended details indicate no intensification of the existing pattern of usage and the proposal is on that basis acceptable.

4.20 In terms of surface water drainage the submitted application details indicate that surface water would be discharged to a nearby watercourse. Again the proposals as amended indicate no degree of intensification from the current situation as such the proposal is felt to be acceptable.

### 5.0 CONCLUSION

5.1 This scheme to create a caravan and camping site has been amended since submission to clarify the site layout and management arrangements. It is indicated that the site would be operated according to the same management regime as presently but under the direct control of the Rufforth Playing Fields Association with the consequence that the Permitted Development Right accruing to the Caravan and Motor home Club would no longer apply.

5.2 The site lies in visually prominent location within the Green Belt to the east of Rufforth village and the nature of the development is by definition inappropriate in the Green Belt and is additionally harmful to its character and openness. It is felt that the proposal by its low key nature would not of itself give rise to harm to the purposes of designation of the Green Belt and would not give rise to material harm to the character of the landscape. Substantial weight should be given to the harm to the Green Belt. In order to overcome the presumption against inappropriate development in the Green Belt the applicant must supply a case for "very special circumstances". The applicant has submitted detailed information to indicate that the money generated by the caravan rallies and the low intensity touring caravan use is

invested back into the on-going improvement of the sport facilities at the site with the consequence that the village has a higher level of provision than would otherwise be the case with local clubs and individuals competing at a high level in sports as varied as cricket and tennis.

5.3 It is felt that, having attached substantial weight to the harm to the Green Belt, these considerations are sufficient to clearly outweigh the harm by reason of inappropriateness and the other identified harm generated by the development and that "very special circumstances" exist to justify the grant of planning permission. The applicant has indicated a further willingness to consider additional landscaping to enable the site to blend in with its surroundings. The proposed means of foul and surface water drainage would be as currently. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing Refs:- Rufforth Playing Fields:- Proposed Uses and Landscape Context Rev 00; Rufforth Playing Fields Site Location/Existing Rev 00.

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

3 LAND1 IN New Landscape details

4 HWAY18 Cycle parking details to be agreed

5 HWAY19 Car and cycle parking laid out

6 This permission allows the siting only of touring caravans, motor homes and tents for the purposes of holiday use only within the touring caravan and rally areas identified on plan ref:- Rufforth Playing Fields:-Proposed Uses and Landscape Context Rev 00.. At no time shall static caravans be permitted on site.

Reason: In the interests of the protection of the openness of the Green Belt as static caravans and a larger number of touring vans/ tents would have a materially greater impact on the openness of the green belt and would be likely to require increased amenity facilities.

7 Within 28 days of the date of this permission a detailed Management Plan for the use of the rallying and touring areas dealing with the maximum duration of stay,

rubbish and foul water collection arrangements and the means to deal with complaints and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved thereafter.

Reason: - To safeguard the residential amenity of nearby properties.

8. A maximum number of 5 caravans or motor homes or 15 tents shall at any one time be located within the touring caravan area and 15 caravan or motor homes and 30 tents within the rally area identified with plan ref:- Rufforth Playing Fields:- Proposed Uses and Landscape Context Rev 00.

Reason:- To safeguard the open character of the Green Belt.

## **7.0 INFORMATIVES: Notes to Applicant**

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

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

- i) Sought a detailed layout and landscaping proposal for the site;
- ii) Sought a detailed justification for the proposal that would outweigh the harm to the character of the Green Belt by reason of inappropriateness and any other harm.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

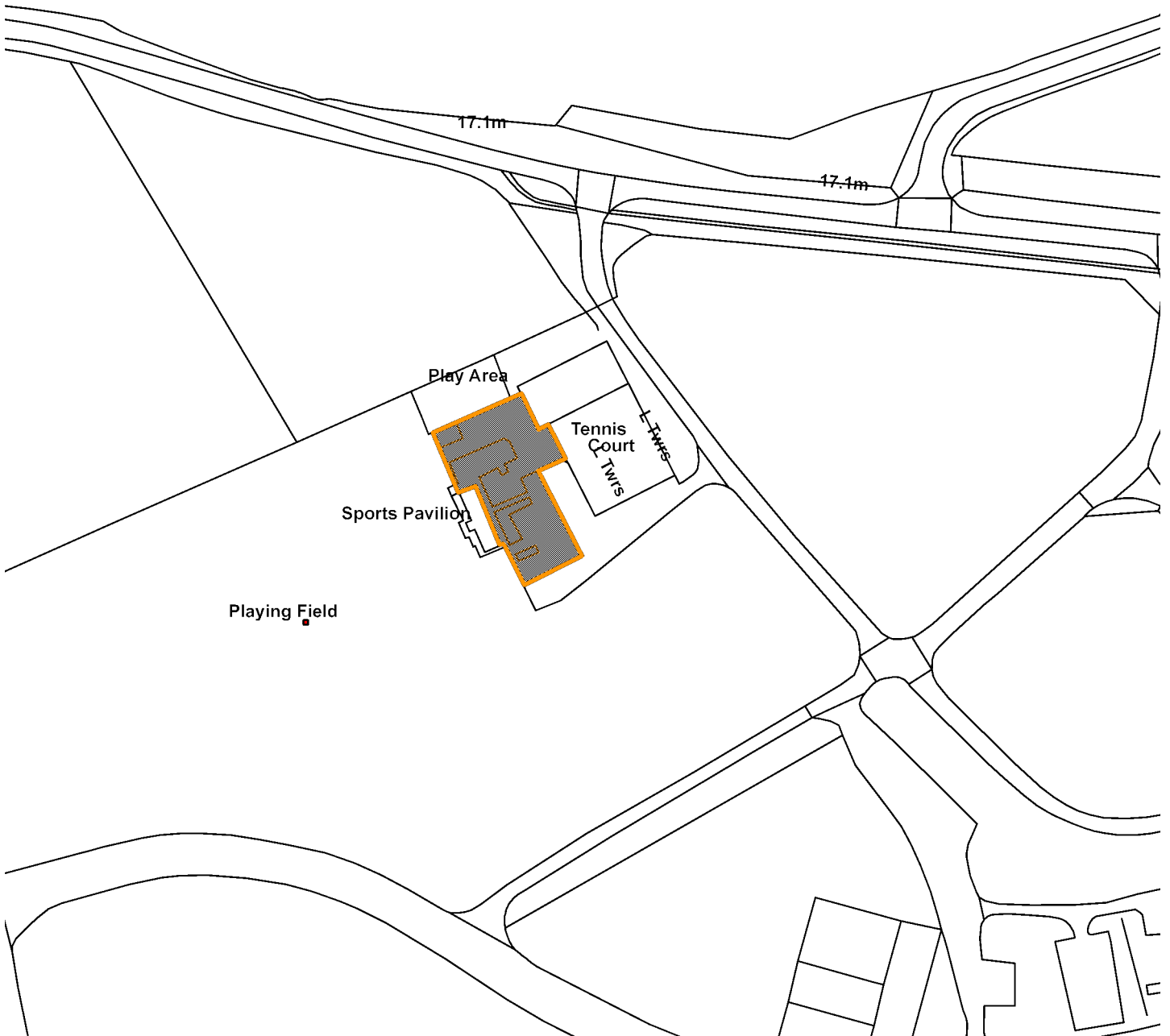
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Rufforth Playing Fields, Wetherby Road



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 August 2017
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