



**Notice of a public meeting of
Area Planning Sub-Committee**

To: Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby,
Webb and Perrett

Date: Wednesday, 25 November 2020

Time: 4.30 pm

Venue: Remote Meeting

AGENDA

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 1 - 6)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 11 November 2020.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Monday, 23 November 2020.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

To determine the following planning applications:

**a) Telecommunications Mast Park Inn North (Pages 7 - 28)
Street, [20/01031/FUL]**

This application seeks permission for the upgrade of existing rooftop telecommunications equipment including ancillary works [Micklelegate]

**b) 44 Tranby Avenue Osbaldwick York YO10 (Pages 29 - 46)
3NJ [20/00338/FUL]**

This application seeks permission for the erection of a two storey extension to the side of a two storey detached dwelling. [Osbaldwick]

**c) Land Lying to the North Of Kimberlow (Pages 47 - 92)
Lane Heslington, York, [20/00532/REMM]**

This reserved matters application seeks permission for the erection of a children's nursery with associated vehicle drop off and landscaping following outline permission 20/01270/OUT for a new university campus. [Heslington Parish Council]

d) The Tile Company Unit 2 Kettlestring Lane, York YO30 4XF [20/00148/FULM] (Pages 93 - 118)

This application seeks permission for the erection of eight units for light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8); erection of one unit for the use of motor vehicle repairs or light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8); erection of substation; and associated car parking and landscaping following demolition of Unit 2 Kettlestring Lane and Unit 1 Lysander Close.
[Rawcliffe And Clifton Without]

5. Urgent Business

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

Democracy Officer:

Chris Elliott

- Telephone – (01904) 553631
- Email christopher.elliott@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	11 November 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Kilbane (as substitute) Craghill, Melly, Orrell, Waudby and Perrett
Apologies	Councillor Webb

25. Declarations of Interest

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

Cllr Fisher declared a non-prejudicial, non-pecuniary interest in Agenda item 5) Barnitts, 28A Colliergate [19/02753/FULM] and [19/02754/LBC] in that he was friends with a member of the St Andrews Residents' Association, which had objected to the scheme. He confirmed that his friend had not expressed a view on this application.

26. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 15 October 2020 be approved and then signed by the Chair at a later date.

27. Public Participation

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

28. 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.

29. Barnitts 28A Colliergate York [19/02753/FULM] and [19/02754/LBC]

Members considered a full application and listed building consent from Oakgate Group Ltd and Barnitts Ltd. for the conversion of Drill Hall and upper floors of 28a Colliergate from retail to residential (Use class C3) creating 10no. townhouses and 2no. apartments, and associated alterations.

Officers gave a presentation based upon the slides at pages 51 - 71 of the Agenda and reported:

- A correction to the officer recommendation to approve the listed building consent application [19/02754/LBC], the recommendation should have been to 'REFUSE'.
- An additional representation had been received from Highway Network Management regarding the waste collection arrangement. They advised that this would require management, to ensure bins aren't left roadside for excessive periods. Due to the size of the bins and convoluted route between the store and roadside (through the drill hall) it is not expected waste services would enter the site for collection.
- An additional representation had been received from the Conservation Architect which had been in reply to the applicants note for members. The Conservation Officer considered that the significance of the drill hall does not rest "almost entirely on its external appearance". Though architecturally the exterior is the most impressive part of the building, the spatial qualities and plan form are also of significance (i.e. its hall like qualities), which though compromised by the inserted first floor, are still legible. This understanding will be lost as a consequence of the proposed scheme. Furthermore, the exterior will be harmed by the introduction of the roof-lights and the new windows which will appear modern, compared to those existing which are traditional appearance.

It was reported that six people had registered to speak on this application.

Mr Paul May spoke in objection to the proposal expressing concern that the townhouses and apartments were likely be

used as holiday lets and that should this be approved, there would be adverse implications on housing policy.

Mr Phil Pinder, on behalf of York Retail Forum, spoke in support of the proposal urging members to approve the application as submitted, on the grounds that it is York's best store and an employer of over 40 people.

Mr Andrew Lawson, spoke in support for the scheme and considered that it was vital for members to approve the proposal in order to secure the long term future of this retail unit in the city.

Mr Bill Woolley spoke in support of the application. He considered that the reason for the officer recommendation to refuse the proposal was due to the lack of affordable housing contribution. This stipulation had arisen due to the council's conservation team and Historic England, which have sought to recreate something long gone by insisting that there is an internal open space from ground floor to roof level and from gable end to a new and reconstructed gable end. This had reduced the space of the scheme making it less viable, resulting in there being no further allocation to cover the affordable housing contribution

Mr Paul Thompson, the existing owner of Barnitts spoke about the need to adapt their business in response to the rise of internet shopping. He urged members to approve the proposal to safeguard over 40 jobs and to show the council's commitment to longstanding York businesses that make the City such as great place to live and visit.

Mr Richard France, the developer of the scheme spoke about how various pressures had impacted upon the viability of the proposal, and that although they were content to pay a commuted sum (of approximately £80k) towards education and in respect of sport and leisure, they were unable to make a further contribution towards affordable housing.

In response to members' questions, officers advised that where a consensus could not be reached between the developer and the Local Planning Authority on such matters, the developer would have been advised to meet the costs of a District Valuer's assessment, likely to cost under £10k. Officers confirmed that this had been their advice to the developer in February 2020.

In response to members questions, the developer confirmed that they had not refused to employ the services of the District Valuer and that they had no objection in principal to that process, although they had concerns that this would add further delay, (approximately 3 months, although difficult to confirm in view of the covid emergency).

[There was a short comfort break from 6.10 pm until 6.20 pm]

After debate, Cllr Craghill moved, and Cllr Crawshaw seconded, that the application be deferred to allow the applicant the opportunity to undertake an independent valuer assessment to investigate what an appropriate commuted sum would be in respect of affordable housing. Cllrs: Craghill, Crawshaw, Cullwick, Fisher, Galvin, Kilbane, Melly, Orrell, Perrett and Hollyer all voted in favour of this motion. Cllr Waudby abstained from voting and the motion was declared carried. It was therefore:

Resolved: That the application be DEFERRED.

Reason: That delegated authority be given to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair as to the wording for the reason for refusal.

Listed Building Consent [19/02754/LBC]

Cllr Craghill moved, and Cllr Crawshaw seconded, that the listed building consent be deferred until such a time that the applicant had submitted an acceptable scheme. Cllrs: Craghill, Crawshaw, Cullwick, Fisher, Galvin, Kilbane, Melly, Orrell, Perrett and Hollyer all voted in favour of this motion. Cllr Waudby abstained from voting and the motion was declared carried. It was therefore:

Resolved: That the application be DEFERRED.

Reason: That delegated authority be given to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair as to the wording for the reason for refusal.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 7.00 pm].

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COMMITTEE REPORT

Date: 25 November 2020 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning
Panel

Reference: 20/01031/FUL
Application at: Telecommunications Mast Park Inn North Street York
For: Upgrade of existing rooftop telecommunications equipment including ancillary works
By: Hifzul Moosa
Application Type: Full Application
Target Date: 30 November 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks planning permission for the upgrade of existing telecommunications apparatus on the roof of the Park Inn Hotel located within York city centre. The Park Inn Hotel is located on the bank of the River Ouse within York city centre, positioned between Lendal Bridge and Ouse Bridge. It is accessible from North Street. The applicant advises that the upgrade will provide the latest 5G technology.

1.2 The rooftop contains existing telecommunications installations that consists of three single pole antenna of approximately 2.5m height and associated cabinets.

1.3 Planning permission was refused on 14 February 2020 (19/02629/FUL) for the upgrade of the telecommunications equipment. The number of proposed antennas have been reduced from the refused scheme as well as the removal of the proposed dishes and external cabinets.

1.4 The apparatus proposed includes:

- in the same location as the existing equipment on the roof; the northern and southern ends and within a central position between the two there will be 2no. apertures each containing an antenna within the aperture casing, each erected on a single pole
- other ancillary telecommunication equipment
- relocation of section of handrail to accommodate pod (1.1m high)
- retention of existing dish fitted on existing support pole

1.5 The Park Inn Hotel is unlisted but is located within the designated York Central Historic Core Conservation Area (YCHCCA) and in Character Area 22: Railway Area.

1.6 The application has been called-in by Cllr Baker citing that there is significant wider public interest regarding public safety of the new technology and there is the potential adverse impact on nature conservation and bio-diversity due to the new technology.

Planning History

1.7 19/02629/FUL Upgrade of existing rooftop telecommunication apparatus with associated works; refused for two reasons; the telecommunication equipment by virtue of their height bulk and quantity would have a greater visual intrusive appearance, which would be prominent in significant views and harmful to the character and appearance of the York Central Historic Core Conservation Area. Secondly, for the same reasons and given the additional prominence of the telecommunications equipment on this tall building which would be seen in the same sightline as principal architectural features, would detract from the setting of neighbouring listed buildings. In both reasons for refusal the public benefits identified were not considered to outweigh the harm to the designated heritage assets.

1.8 There is relevant history relating to the installation of telecommunications equipment submitted as a prior approval under part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and includes:

15/00196/TCNOT Upgrade of telecommunications equipment; no objections from LPA; 25.03.2019

15/02039/TCNOT Upgrade of telecommunications equipment and associated works; no objections from LPA: 22.10.2015

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN 2018

C1	Communications Development
D1	Placemaking
D4	Conservation Areas
D11	Extensions and Alterations to Existing buildings

2.2 DRAFT 2005 DEVELOPMENT CONTROL LOCAL PLAN (DCLP)

GP20	Telecommunication Development
GP1	Design
GP18	External Attachments to Buildings
HE3	Conservation Areas

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (DCSD) (Conservation Officer)

3.1 The Park Inn is identified in the YCHCCA as a building that detracts from the character and appearance of the conservation area as a result of its excessive scale, height, slab like form, lack of affinity with its context and dominating impact particularly in river views. The building is highly prominent in street level views from Lendal Bridge, Ouse Bridge, Wellington Row, North Street, the St Martin's Courtyard river frontage (City Screen/Revolution/Pitcher & Piano) and others, and in elevated views including from the central lower of York Minster. Roof installations are visible in all of these views.

3.2 The current proposal represents a significant reduction in quantity and height of equipment proposed. Replacement antennas have been reduced to the existing number and other equipment omitted. The replacement antennas are described as being approx. 1.5m higher than existing and will be painted light grey.

3.3 I consider that as a consequence of the height of the site and the like-for-like number of fixtures to be replaced the additional impact of the proposed installation in views of the roofscape will be low.

Micklegate Planning Panel

3.4 Any response will be reported verbally.

4.0 REPRESENTATIONS

4.1 The application has been advertised by site and press notice as well as neighbour notification. Three letters of objection have been received; two from local residents and one from a relevant campaign body, however that campaign body has not been identified. In summary the objections include:

- the ICNIRP self- certification is invalid; it does not contain a valid statement of compliance with ICNIRP guidelines. Any statement of compliance is based on a flawed assessment of cumulative emissions; it excludes emissions from the planned/required 5G network in this locality entirely
- unsure of the possible effects of a concentration of 5G will have upon human life and the environment from higher frequencies and additional connections.
- the technology has not been tested and the cumulative effect is unknown and it is in the interests of the residents, that as a Council you refuse the application until more research is completed regarding safety of the public.

- 5G was first developed as a military grade weapon for crowd dispersal; residents using Park Inn will be unaware of the exposure they are presenting themselves to.

5.0 APPRAISAL

5.1 Key Issues:

- Impact upon the character and appearance of the conservation area and setting of neighbouring listed buildings
- Ecology Impacts
- Health and Safety

LEGISLATIVE BACKGROUND

5.2 The site is within a designated conservation area (York Central Historic Core Conservation Area). The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

5.3 Additionally, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.4 Case law has made clear that when deciding whether harm to a conservation area or to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

5.5 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration on the determination of this planning application.

5.6 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.7 Section 10 (Supporting high quality communications) of the NPPF supports high quality communications and paragraphs 112-116 are considered to be of relevance. The Framework sets out in paragraph 112 that advanced, high quality and reliable communications is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications network. Further, paragraph 113 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient cooperation of the network and providing reasonable capacity for future expansion.

5.8 Section 16 (Conserving and enhancing the historic environment) states that when considering the impact of a proposed development on the significance of a designated heritage asset with great weight given to the asset's conservation; the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.9 Paragraph 196 of the framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

PUBLICATION DRAFT LOCAL PLAN (2018)

5.10 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.11 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. 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 although they can be afforded very little weight.

ASSESSMENT

Impact upon the character and appearance of the conservation area and setting of neighbouring listed buildings

5.12 The applicant has made substantial changes to the amount of equipment proposed on the roof of this building since the previously refused application. The number of apertures (containing a single antenna within its casing) previously proposed was 12 in total and this scheme has reduced this amount by half (6 in total). The apertures however will be higher than the existing antennas by 1.7m (the existing antennas measure 3.4m from roof level and the proposed aperture measures 5.1m). The apertures will be grouped in two and positioned in the same locations as the existing single pole antennas on the roof (northern and southern ends and a central position). Other associated equipment is reduced from the previous scheme, with an existing dish retained.

5.13 Additionally, the applicant has set out that the amount of apertures and ancillary equipment is the minimum required to provide 5G coverage to the surrounding area; any decrease in antenna height would result in a reduced coverage to such an extent that a new base station would be required.

5.14 The site sits with the Character Area 22: Railway Area of the York Central Historic Core Conservation Area. The character of this area has been influenced by the railway and associated engineering functions as well as former areas of industrial riverside that accommodated warehousing. The northern edge of the area, where the application site is situated, is bounded by the riverside walk and North Street which is included in this area because of the historic activities and form that differentiate them from Micklegate and Bridge Street (located within Character Area 21: Micklegate). The Central Historic Core Conservation Area Appraisal (page 409) identifies the Park Inn Hotel as a detractor from the character and appearance of the Conservation Area as a result of its height, mass and design, in particular from views of the river and its setting. The Appraisal comments that "Views and building heights matter in York. The quantity and quality of views, often inextricably linked to the absence of tall modern buildings, is one of the most important, most precious and most fragile components of the city's historic townscape" (p.63).

5.15 The site is situated between two main bridges providing access over the River Ouse in York, Lendal Bridge to the north and Ouse Bridge to the south. The Conservation Area appraisal identifies that the view from Lendal Bridge downstream (south eastern direction) is a key view (Ref: 23) providing a dynamic panoramic view. It is considered that there is a clear view of the Park Inn building along with the existing 2no. antennas positioned along the north eastern edge of the roof. However whilst the existing antennas and ancillary equipment are visible their intrusive effect is limited because of their singular form with slim dimension

5.16 The current proposal represents a significant reduction in the quantity and bulkiness of the equipment when compared to the refused scheme; the apertures are more slim-like in nature. However, when compared to the existing telecommunication equipment they are taller and even with the bulkiness of the apertures reduced, they would still remain visible within views, and result in a greater harm to the character and appearance of the York Central Historic Core Conservation Area.

5.17 The impact of new telecommunications installation is assessed to result in harm to the character and appearance of the conservation area, albeit less than substantial harm and at the lower end of this spectrum. As less than substantial harm is identified, there is a requirement to weigh the application against the public benefits of the proposal, in line with paragraph 196 of the NPPF. The public benefits of the proposal, mostly relate to being an economic and social objective, in line with paragraph 8 of the Framework. That is to help build a strong, responsive and competitive economy and to support strong, vibrant and healthy communities that support communities' health, social and cultural well-being. It states further in paragraph 112 (Section 10 'Supporting high quality communications') that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.

5.18 Given that the level of harm has been identified as being 'less than substantial' and at the lower end of this spectrum, the public benefits of the proposal outlined above are considered to outweigh the level of harm upon the significance of this part of the conservation area.

5.19 The impact of the proposed equipment upon the setting of listed buildings is assessed as principally being where those buildings are seen within the same sightline as the hotel and where the equipment proposed would compete visually with the listed building. This is particularly the case with regards to buildings that punctuate the skyline, including the Minster (Grade 1) viewed from the city walls; the spire of All Saints North Street (Grade 1) viewed from Lendal Bridge and the river frontage; the clock tower of the Magistrates' Court (Grade 2) viewed from Lendal Bridge and the roofline of St John's Church Micklegate (Grade 2*) viewed from the Micklegate/Bridge Street junction. As detailed above, the amendments to the detailed design of the proposed installations including the bulkiness and the number of apertures and its single antenna across the roofscape has significantly reduced the visual impact of the equipment in views of these buildings. The visual harm arising from the telecommunications equipment has been sufficiently mitigated and the setting to these listed buildings, both individually and cumulatively would be preserved, in line with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology Impacts

5.20 Objections have been raised to the possible impact the telecommunications equipment may have on wildlife. The LPA is unaware of any studies or research on the impacts on wildlife from 5G networks that provide any robust advice or scientific information for use in the decision making process. Tolerance levels of electromagnetic radiation have not been determined and therefore it is not considered possible within the planning process to assess if proposals for telecommunication masts would have a significant impact on biodiversity.

Health Considerations

5.21 An objector cites that the ICNIRP certificate is invalid as it does not contain a valid statement of compliance with ICNIRP guidelines. Paragraph 115 b) of the Framework sets out that applications for electronic communications should be supported by the necessary evidence and for applications involving additions to a mast or base station this includes a statement that self-certifies that the cumulative exposure, when operational will not exceed International Commission guidelines on non-ionising radiation protection. The application is supported by an ICNIRP certificate confirming that the site is within the ICNIRP guidelines and the applicant has also provided a statement that confirms that all technologies existing and proposed have been captured as part of the ICNIRP assessment of the site.

5.22 The application is therefore considered to be in full compliance with the requirements of the ICNIRP Public Exposure Guidelines on radio frequency. As such, it is deemed acceptable in terms of health-related issues. NPPF para.116 states that local planning authorities must determine applications on planning grounds only and should not set health safeguards different from the International Commission guidelines for public exposure.

6.0 CONCLUSION

6.1 The Park Inn Hotel is an existing site for telecommunications equipment, which provides 3 existing antennas. It is acknowledged that the proposals to upgrade the equipment to provide 5G coverage will result in a greater level of visual impact; the numbers of antennas to be provided will increase to 6 (with one antenna contained within the aperture casing), increase the bulkiness of the equipment as well as these being taller structures than those in situ on the building. Whilst the equipment would still be visible, they are designed in a way to be less visually intrusive within views. Careful consideration has been given to the statutory duties with regard to designated heritage assets. Whilst the proposal would result in harm to the designated heritage assets, this harm is assessed as being less than substantial. The application has demonstrated that there are public benefits of the proposal, notably compliance with Section 10 of the National Planning Policy Framework, which supports high quality communications and which further supports social and

economic objectives which are considered to outweigh the less than substantial harm identified to heritage assets.

6.2 The application satisfies the requirements of the ICNIRP Public Exposure Guidelines on radio frequency and NPPF paragraph 116.

6.3 It is considered that the proposed scheme would not have an adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. It is considered that the NPPF and policies C1, D1, D4 and D5 of the Publication Draft Local Plan (2018) and GP1, GP18, GP20 and HE3 of the Development Control Local Plan (2005) are satisfied

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

701804_YOR033_96150_YO0262_M002 Rev C 215 Max Configuration Site Plan
701804_YOR033_96150_YO0262_M002 Rev C 265 Max Configuration Elevation A
701804_YOR033_96150_YO0262_M002 Rev C 266 Max Configuration Elevation B
701804_YOR033_96150_YO0262_M002 Rev C 267 Max Configuration Elevation C
701804_YOR033_96150_YO0262_M002 Rev C 268 Max Configuration Elevation D

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

3 On completion of the works the existing telecommunication antenna and any ancillary equipment shall be removed from site in accordance with the submitted plans.

Reason: In order to reduce the amount of unnecessary equipment to the site in the interests of the character of the conservation area

4 All new telecommunications equipment shall be painted light grey.

Reason: In the interest of visual amenity and to preserve the character and appearance of the York Central Historic Core Conservation Area and in accordance with policies D1, D4, D11 and C1 of the City of York Council Publication Draft Local Plan (2018) and GP1, GP18, GP20 and HE3 of the City of York Council's Development Control Local Plan (2005).

8.0 INFORMATIVES:

Notes to Applicant

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

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

- amended the number and design of the apertures.

Contact details:

Case Officer: Lindsay Jenkins

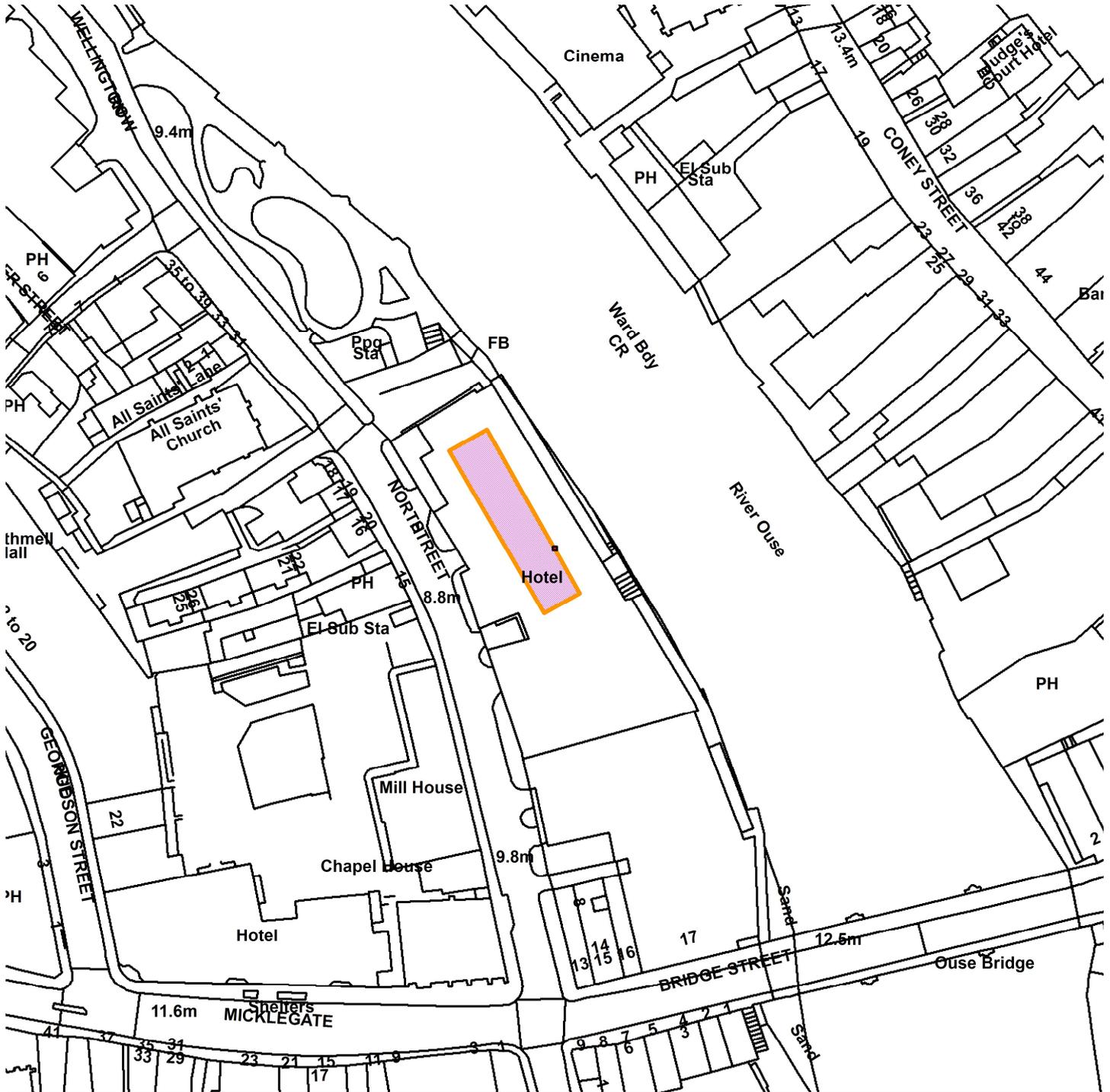
Tel No: 01904 554575

Park Inn, North Street, York

20/01031/FUL



GIS by ESRI (UK)



Scale : 1:1276

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	16 November 2020
SLA Number	

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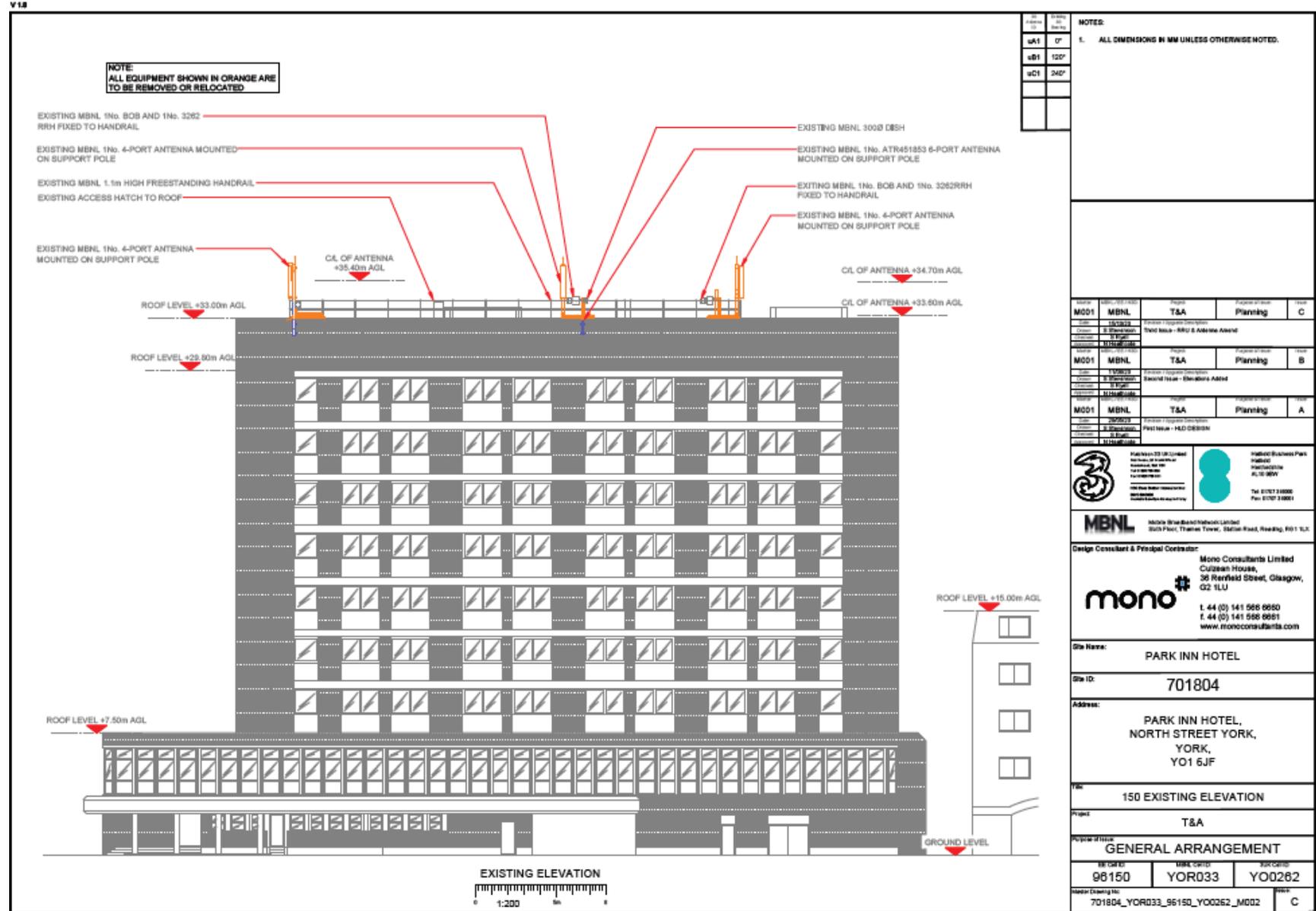


Area Planning Sub-Committee

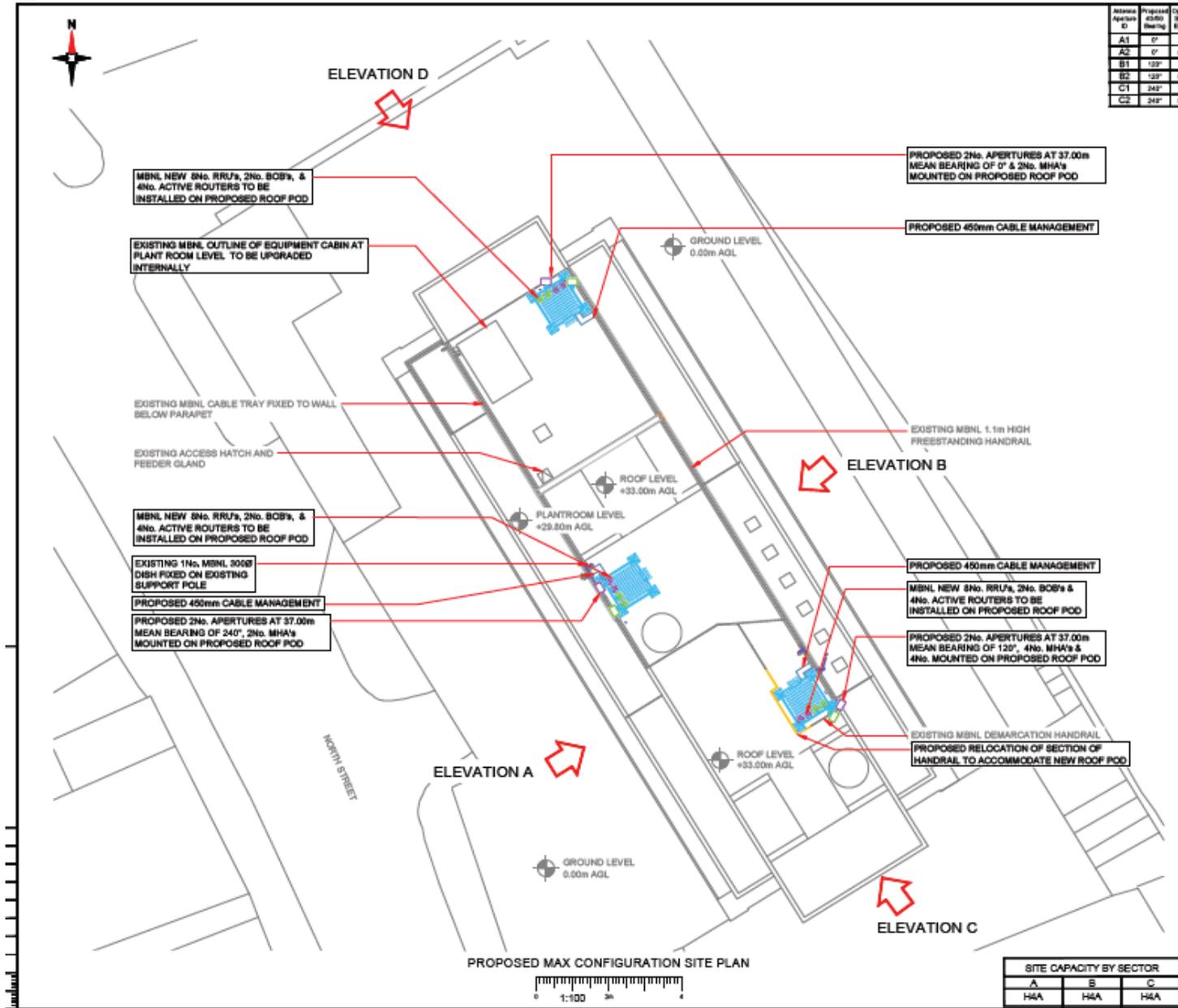
20/01031/FUL

Telecommunications Mast, Park Inn, North Street

Existing elevation



As proposed roof plan



Reference Aperture ID	Proposed 450 Bearing	Current 3000 RRU/BOB
A1	0°	8No
A2	0°	14No
B1	120°	8No
B2	120°	14No
C1	240°	8No
C2	240°	14No

NOTES:
 1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.
NOTE:
 FULL STRUCTURAL SURVEY AND CALCULATIONS REQUIRED TO CONFIRM PROPOSED DESIGN SOLUTION

Issue No.	Date	Page	Revision	Issue
MOD1	18/09/23	T&A	Planning	C
MOD1	11/02/24	T&A	Planning	B
MOD1	15/05/23	T&A	Planning	A

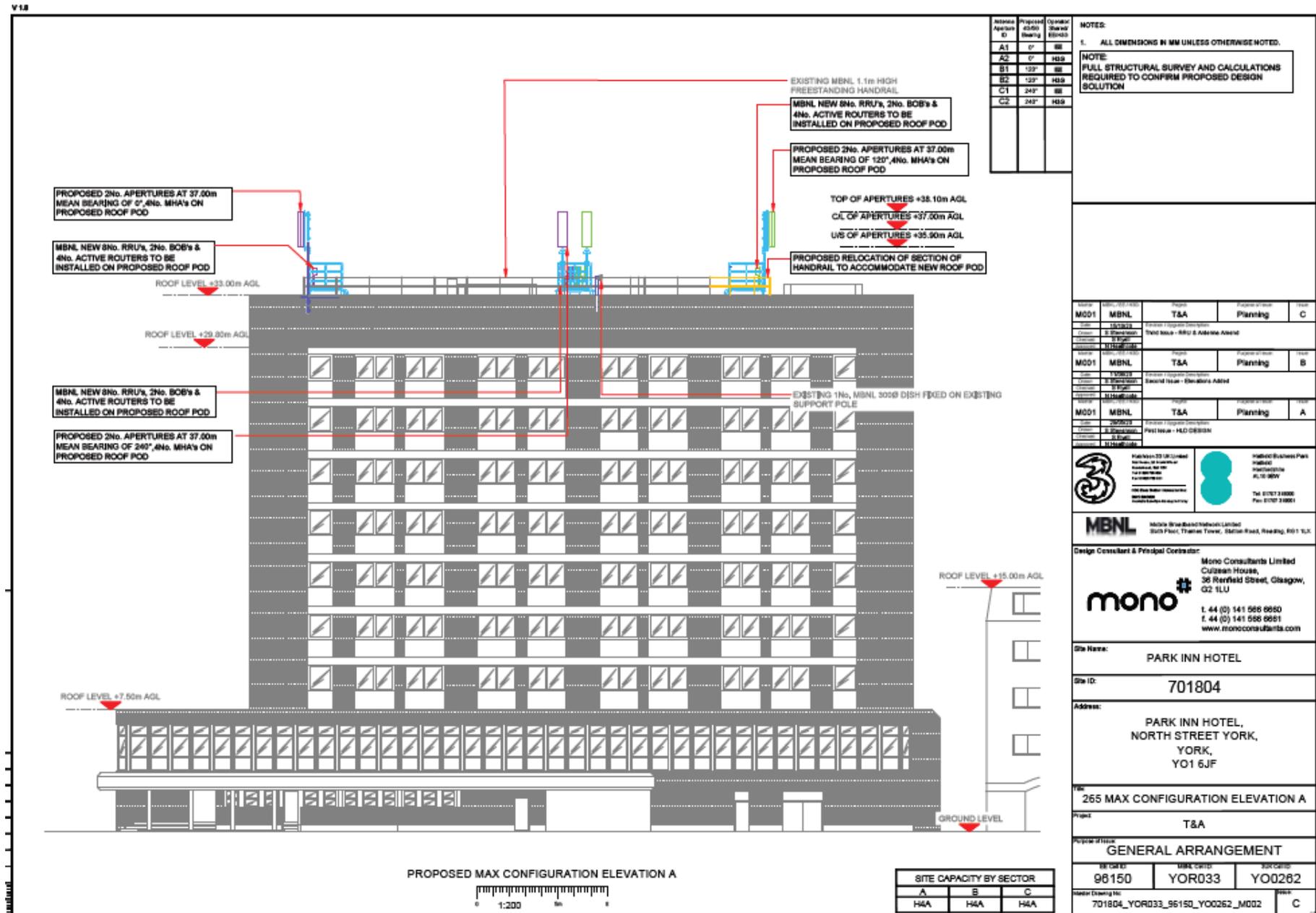
MBNL Mobile Broadband Network Limited
 30th Floor, Thomas Tower, Station Road, Reading, RG1 1UL

mono Mono Consultants Limited
 36 Renfield Street, Glasgow, G2 1LU
 T: 44 (0) 141 565 0850
 F: 44 (0) 141 558 0601
 www.moniconsultants.com

Site Name:	PARK INN HOTEL		
Site ID:	701804		
Address:	PARK INN HOTEL, NORTH STREET YORK, YORK, YO1 6JF		
Title:	215 MAX CONFIGURATION SITE PLAN		
Project:	T&A		
Purpose of Issue:	GENERAL ARRANGEMENT		
Issue No.	98150	YOR033	YO0282
Issue Date:	18/09/23	11/02/24	15/05/23
Issue By:	HAA	HAA	HAA

SITE CAPACITY BY SECTOR		
A	B	C
HAA	HAA	HAA

As Proposed elevation



Antenna Aperture ID	Proposed Mounting	Current Mounting
A1	0°	0°
A2	0°	H4A
B1	120°	0°
B2	120°	H4A
C1	240°	0°
C2	240°	H4A

NOTES:
 1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.
NOTE:
 FULL STRUCTURAL SURVEY AND CALCULATIONS REQUIRED TO CONFIRM PROPOSED DESIGN SOLUTION

Module	Antenna	Mounting	Position	Level
M001	MBNL	T&A	Planning	C
M001	MBNL	T&A	Planning	B
M001	MBNL	T&A	Planning	A

3 Mobile Broadband Network Limited
 3000000000
 3000000000
 3000000000

8 Mobile Broadband Network Limited
 3000000000
 3000000000
 3000000000

MBNL Mobile Broadband Network Limited
 3000000000, 3000000000, Reading, RG1 3LX

Design Consultant & Principal Contractor:
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 36 Renfield Street, Glasgow, G2 1LU
 T. 44 (0) 141 558 8850
 F. 44 (0) 141 558 8851
 www.monoconsultants.com

Site Name: PARK INN HOTEL
Site ID: 701804
Address: PARK INN HOTEL, NORTH STREET YORK, YO1 6JF

265 MAX CONFIGURATION ELEVATION A

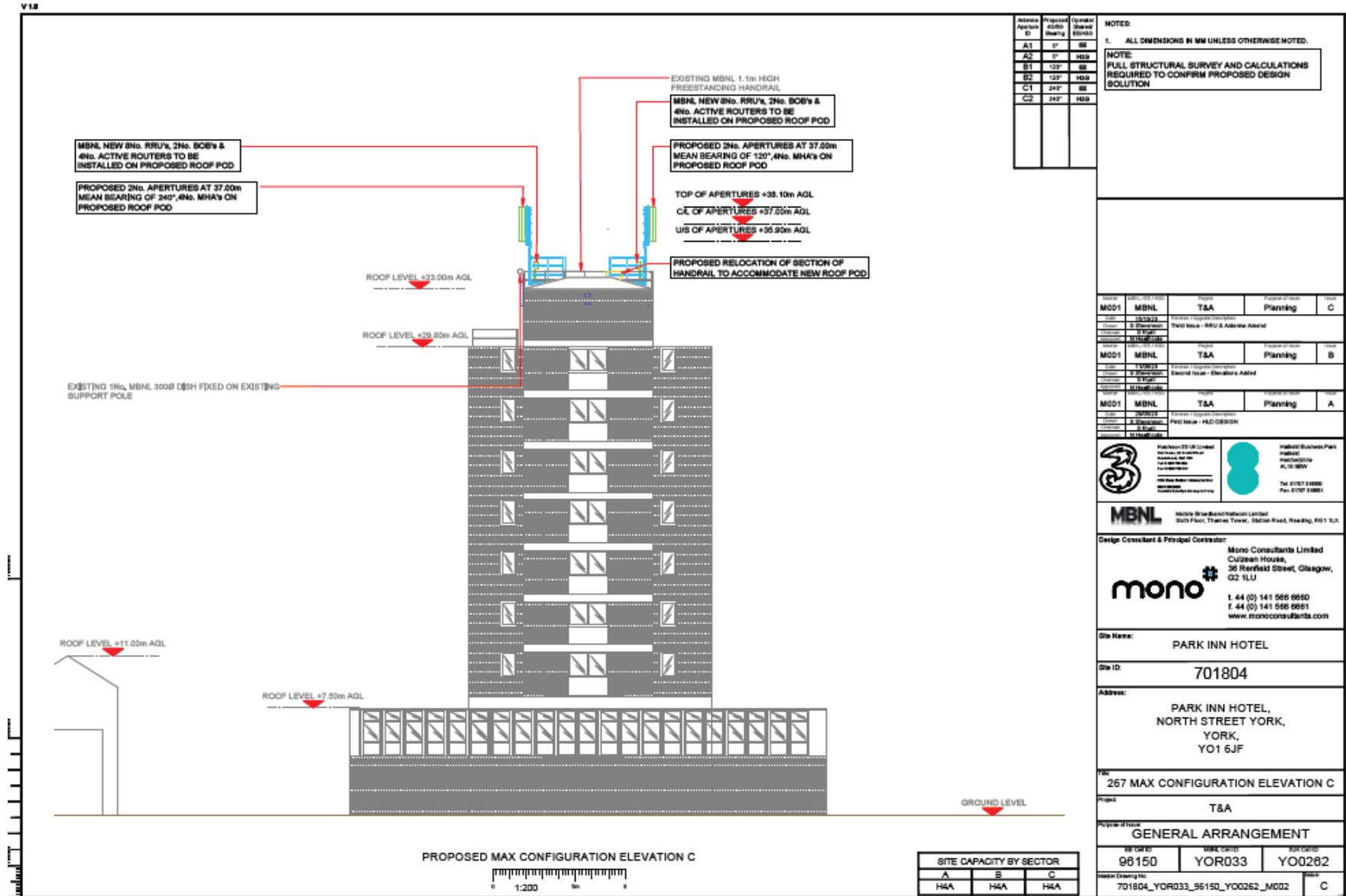
Project: T&A

Project of Issue: GENERAL ARRANGEMENT

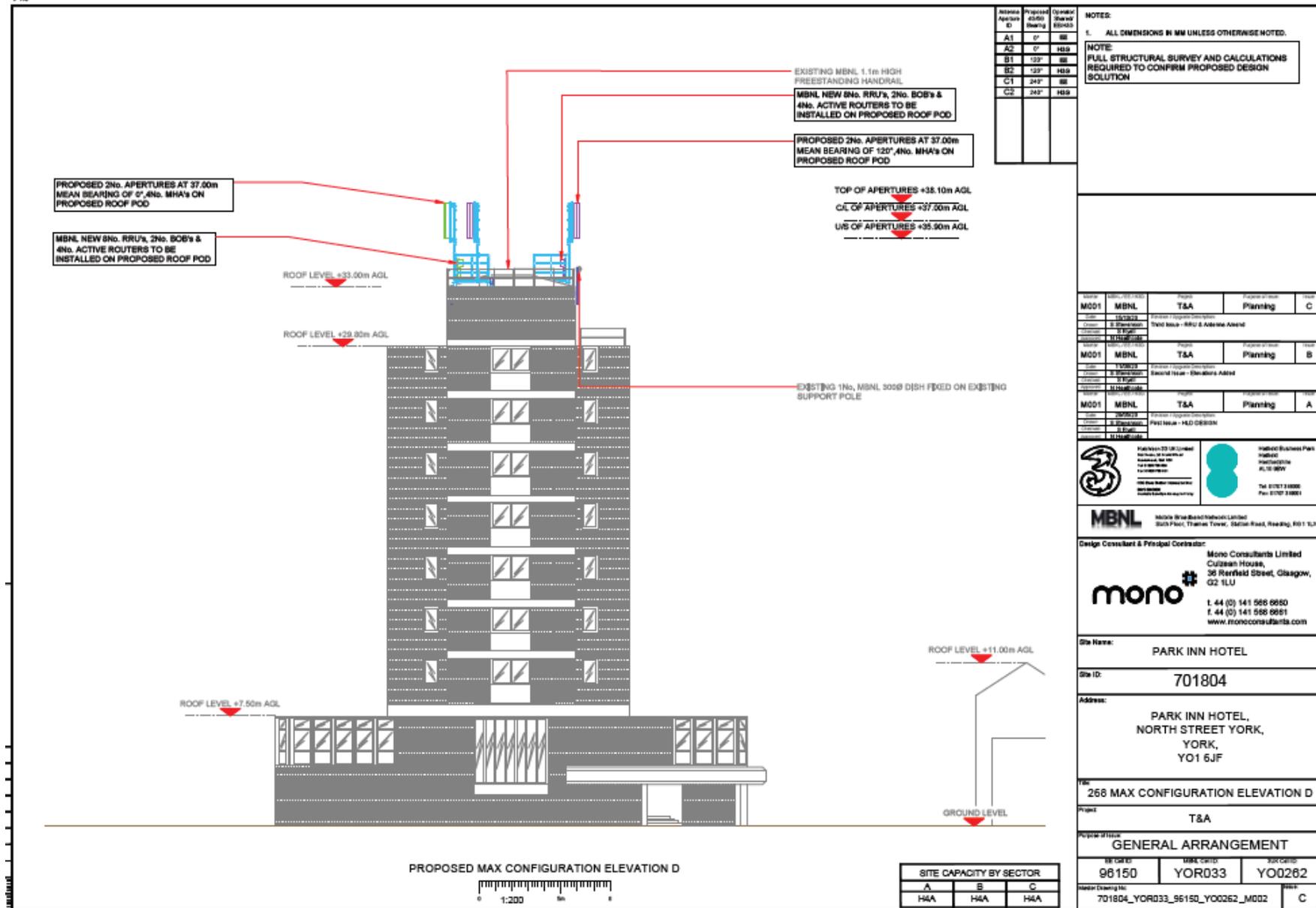
REV	DATE	BY	CHKD
96150	YOR033	YO0262	

Issue Drawing No: 701804_YOR033_96150_YO0262_M002

As proposed south elevation



As proposed north elevation



NOTES:

1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

NOTE: FULL STRUCTURAL SURVEY AND CALCULATIONS REQUIRED TO CONFIRM PROPOSED DESIGN SOLUTION

MOBID	MOBID	MOBID	MOBID
MOB01	MBNL	T&A	Planning
MOB01	MBNL	T&A	Planning
MOB01	MBNL	T&A	Planning

3 (Three) and 8 (Eight) logos.

MBNL - Mobile Broadband Network Limited

Design Consultant & Principal Contractor: Mono Consultants Limited, 36 Rensfield Street, Glasgow, G2 1LU. Tel: 0141 (0) 141 568 0650, Fax: 0141 (0) 141 568 0651, www.moniconsultants.com

Site Name: PARK INN HOTEL
 Site ID: 701804
 Address: PARK INN HOTEL, NORTH STREET YORK, YORK, YO1 6JF

268 MAX CONFIGURATION ELEVATION D
 Project: T&A
 Purpose of Use: GENERAL ARRANGEMENT

SITE CAPACITY BY SECTOR		
A	B	C
H4A	H4A	H4A

REQ ID	REQ ID	REQ ID
98150	YOR033	YO0282
701804_YOR033_96150_YO0282_M002		C

View of Park Inn Hotel from Lendal Bridge



View of Park Inn Hotel from northern bank of River Ouse (adjacent
Pitcher and Piano)



View of Park Inn Hotel from Ouse Bridge



COMMITTEE REPORT

Date: 25 November 2020 **Ward:** Osbaldwick And Derwent

Team: East Area **Parish:** Osbaldwick Parish
Council

Reference: 20/00338/FUL
Application at: 44 Tranby Avenue Osbaldwick York YO10 3NJ
For: Two storey side extension
By: Mr Nicolai Krasnov
Application Type: Full Application
Target Date: 30 November 2020
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for the erection of a two storey extension to the side of a two storey detached dwelling in Osbaldwick.

1.2 This application has been called in by Cllr. Warters for consideration by the planning committee on the grounds of impact upon neighbour amenity and issues arising from the use of the plot as a HMO.

1.3 Property History:

- 17/02432/FUL – Permission was granted for the change of use of the dwelling from use class C3 to a House in Multiple Occupation (use class C4).
- 17/01949/OUT – An outline application was made for the erection of 1no. dwelling in the same part of the curtilage that the proposed side extension would occupy. This application was refused and the decision was upheld on appeal.

2.0 POLICY CONTEXT

City of York Publication Draft Local Plan 2018

D1 – Placemaking

D11 – Extensions and Alterations to Existing Buildings

2.1 The 2018 Draft Plan was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

Draft Development Control Local Plan 2005

GP1 – Design

H7 – Residential Extensions

2.2 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. For decision making, its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

3.0 CONSULTATIONS

Osbaldwick Parish Council

3.2 Object to the proposals on the following grounds:

- Visual amenity – the proposal would unbalance the existing semi-detached property and detract from the spatial characteristics of the host corner plot.
- Neighbour amenity – the scheme would lead to a loss of light and privacy for the neighbour at no.19 Bedale Avenue.
- HMO use – the scheme would have a detrimental impact on the surrounding area in terms of noise disturbance, waste storage, and parking issues.

4.0 REPRESENTATIONS

Application Reference Number: 20/00338/FUL

Item No:

Councillor Warters

3.1 Councillor Warters objects on the following grounds:

- Visual amenity – the proposal would have a harmful impact on the spatial relationship of the host corner property with other corner plots in the area.
- Neighbour amenity – the scheme would cause an undue loss of privacy by overlooking neighbouring properties, as well as having an undue impact on levels of light and outlook.
- HMO use – the additional bedrooms at the property would lead to detrimental effects on the wider area including noise, waste storage and disposal and parking.

Neighbours and Publicity

4.1 One letter of objection was received. The following concerns were raised:

- HMO use – the proposals would escalate existing issues associated with the use of the property as an HMO, including noise disturbance and waste storage.

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) February 2019 sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. It is a material consideration in the determination of this planning application.

5.3 Paragraph 38 of the NPPF (Chapter 4, 'Decision-Making') decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- that they will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- that they will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- that they are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- that they will help create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

2018 Draft Local Plan

5.6 Policy D1 (Placemaking) of the 2018 Draft Plan seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.7 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the

Application Reference Number: 20/00338/FUL

Item No:

design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

2005 Development Control Local Plan

5.8 DCLP policy GP1 states that, with respect to Design, development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.9 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

House Extensions and Alterations SPD (2012)

5.10 The Supplementary Planning Document provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on.

Application Reference Number: 20/00338/FUL

Item No:

Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

ASSESSMENT

Impact on the dwelling and character of the surrounding area

5.11 The proposed addition has been reduced in width so as to not extend significantly beyond the building line of Baydale Avenue. The extension is set down from the existing roof-line and set back from the existing front elevation as required by paragraph 12.3 and 12.5 of the SPD. As amended, it would not be considered to have an undue impact on the visual amenity of the surrounding streetscene, being set well back from the boundaries with either highway. The extension would be of a reasonable width and clearly subservient to the main house, and would therefore not be considered to have any undue impact on the visual amenity of the host dwelling.

Impact on neighbour amenity

5.12 It is not considered that the proposed extension would have any undue impact on the amenity of any nearby neighbours. The addition would be well distanced from the side boundary of no.19 Baysdale Avenue and would not be considered to have any undue impact on sunlight/daylight or outlook enjoyed to the front, side or rear of the neighbouring house. The new bedroom windows on the rear elevation would look towards onto the side elevation of no.19 and would have little additional impact in terms of privacy and overlooking.

HMO issues

5.13 The property is in use as a HMO (use class C4), having been granted permission for change of use in 2017. The “as existing” drawings show 4 bedrooms. Use class C4 would allow up to 6 residents. The current application is for an extension and shows 5 rooms titled “bedroom.” Other rooms could potentially be used as bedrooms subject to the limitation of the use class.

5.14 The 2017 change of use report referenced the “long front drive, which could easily accommodate 3.no vehicles” and the unrestricted off-road parking on both Tranby Avenue and Baysdale Avenue. The proposal would retain 2 car parking

Application Reference Number: 20/00338/FUL

Item No:

spaces on site. Car parking standards set a maximum of 3 spaces for a 6 bed HMO. It is not considered that the proposed extension would unacceptably reduce the available space for car parking that currently exists at the site, however a condition is recommended to require the submission of details demonstrating the provision of an additional car parking space. Adequate space is available for refuse storage and cycle storage. It should be noted that separate planning permission would have to be sought for a change of use from Class C4 to Sui Generis, should the applicant intend for the occupancy of the dwelling to exceed the maximum threshold for a C4 HMO' (7 or more people).

6.0 CONCLUSION

6.1 The proposal is considered to be acceptable in terms of its impact on the streetscene and residential amenity. It would comply with National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Drawing No. Tranby EL5 (Received 30th October 2020) - Proposed Elevations & Floor Plans

Drawing No. Tranby BL4 (Received 17th July 2020) - Block Plan

Drawing No. Tranby RF2 (Received 17th July 2020) - Proposed Roof Plan

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

3 VISQ1 Matching materials

4 Prior to the occupation of the extension details of a secure and enclosed cycle parking area to provide a total of 6 cycles at the premises shall be submitted to and approved in writing by the Local Planning Authority. The extension shall not be occupied until the cycle parking area has been provided within the site in

Application Reference Number: 20/00338/FUL

Item No:

accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

5 Before the commencement of the development a scale drawing showing an additional on-site car parking space accessed from the existing driveway shall be submitted for the approval of the local planning authority. The additional car parking space shall be provided in accordance with the approved drawing before the occupation of any part of the extension.

Reason: In the interests of residential amenity and highway safety.

8.0 INFORMATIVES: Notes to Applicant

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

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

Sought reductions to the size of the proposed side extension, to protect visual amenity.

Contact details:

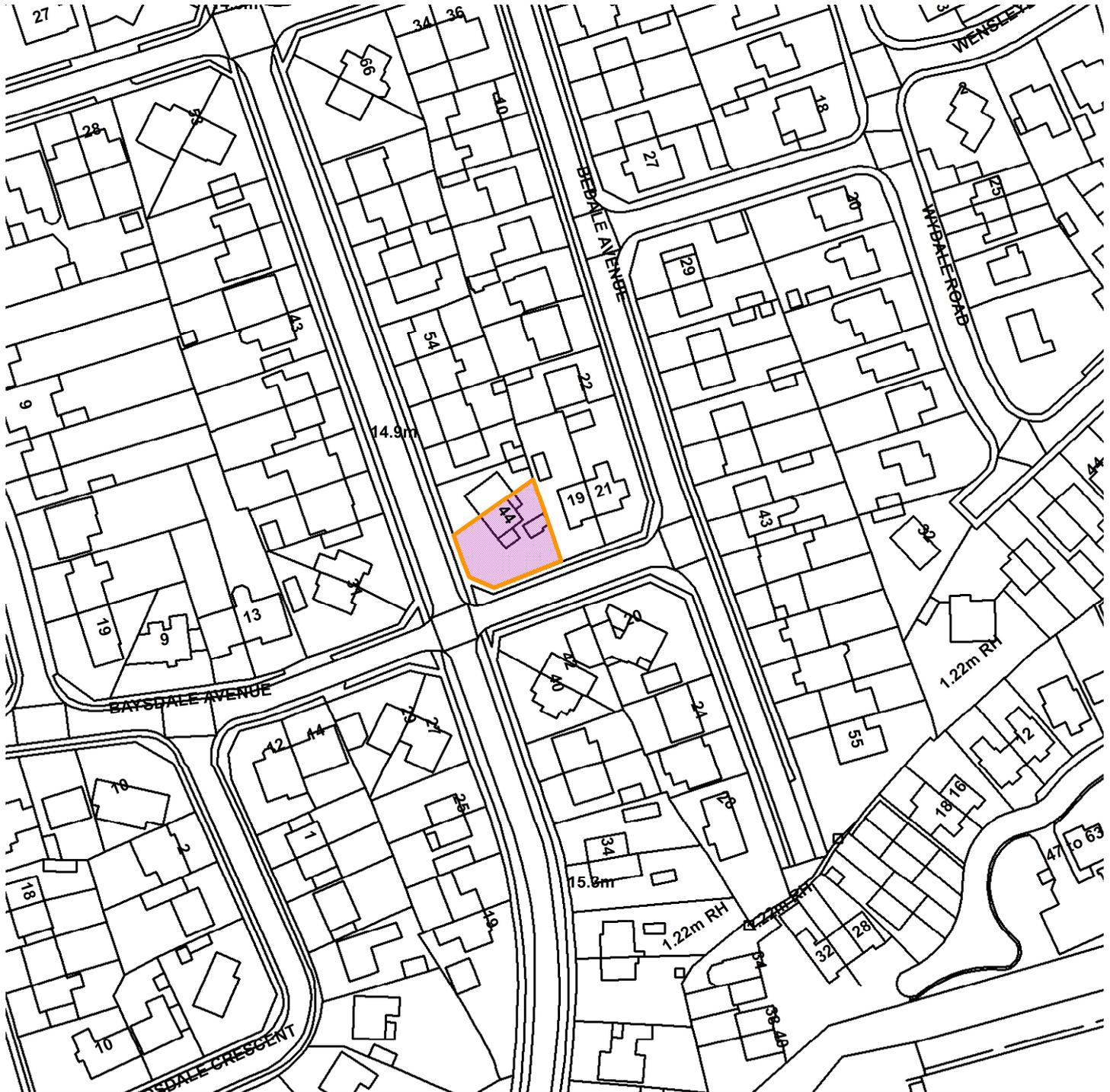
Case Officer: Sam Baker
Tel No: 01904 551718

44 Tranby Avenue Osbaldwick YO10 3NJ

20/00338/FUL



GIS by ESRI (UK)



Scale : 1:1276

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	16 November 2020
SLA Number	

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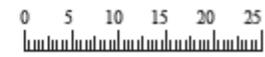
Area Planning Sub-Committee

20/00338/FUL

44 Tranby Avenue, Osbaldwick



Graphic Scale in Metres



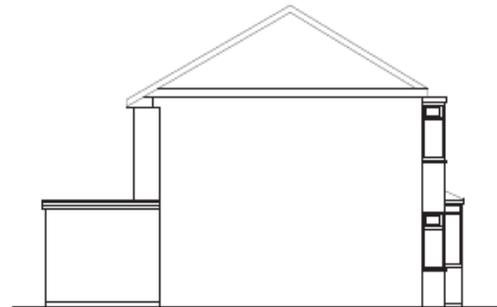
No critical measurements should be scaled from these drawings.
The Builder or Contractor should take actual site measurements for verification.
The ownership of the site as indicated by a red line has been provided by the client

Block Plan	Scale	Plan Ref
44 Tranby Avenue, York, YO10 3NJ	1:500	Tranby-BL4
	When plotted A4	Date 17/07/2020

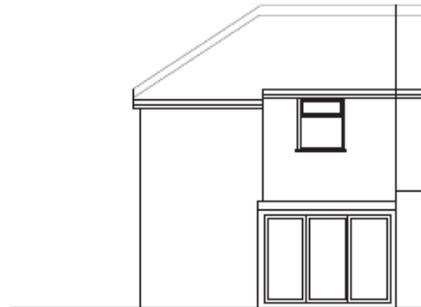
Existing Elevations and Plans



Side Elevation



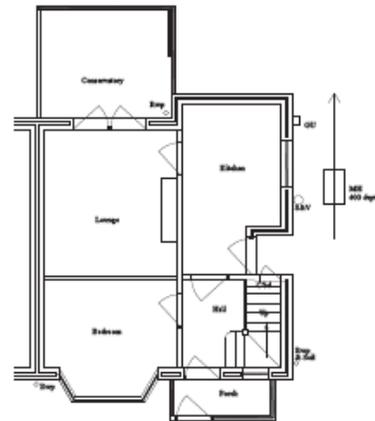
Side Elevation



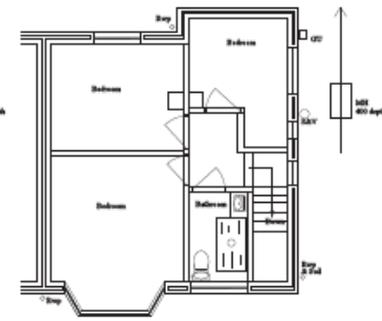
Rear Elevation



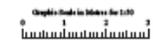
Front Elevation



Ground Floor Plan



First Floor Plan

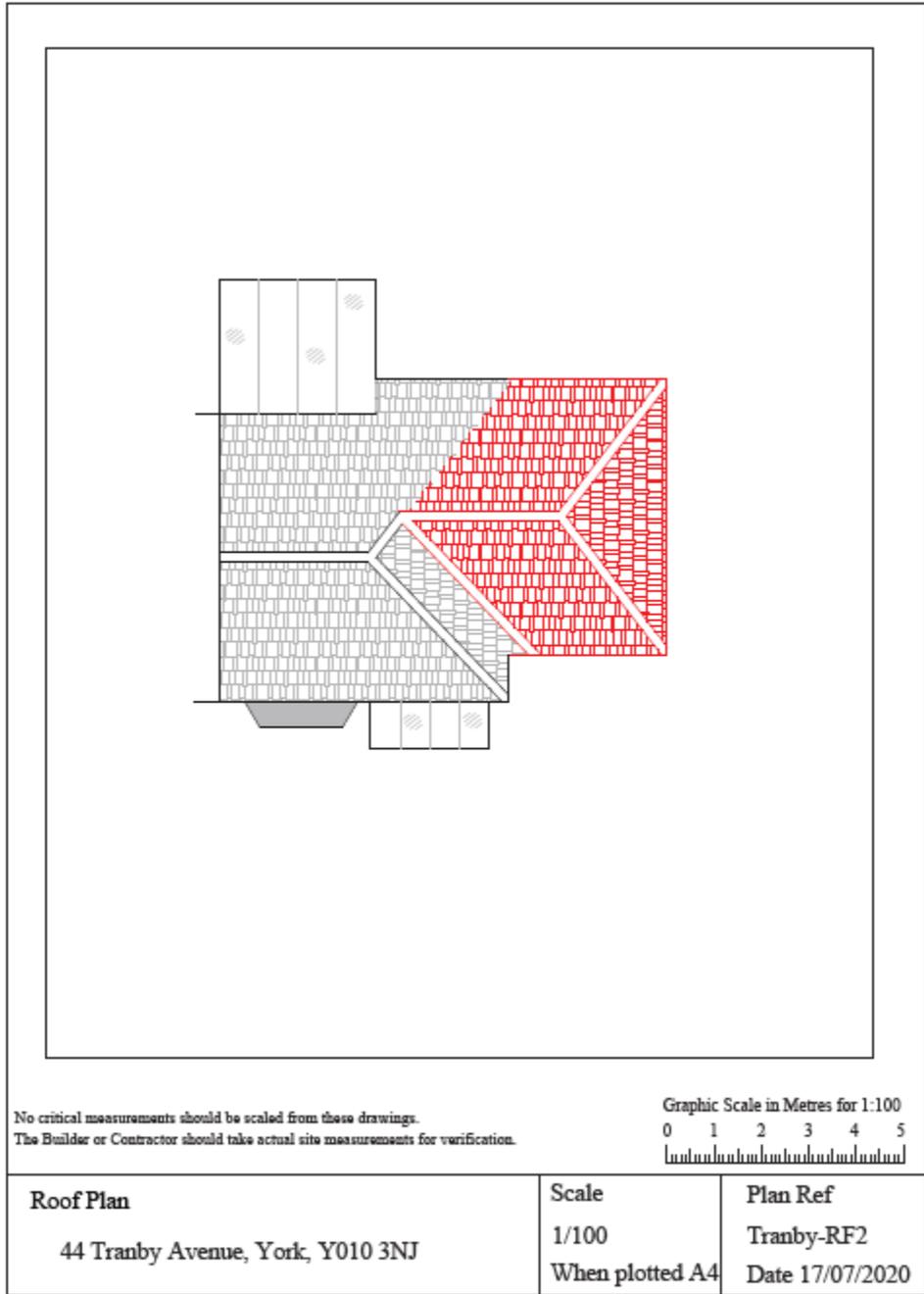


John Heed MRICS
 Tel 01977 788434
 01942772441
 email john.heid@gmail.com

Project
 Existing Elevations and
 Floor Plans
 44 Tranby Avenue
 York
 YO10 3NJ

Scale 1:50	Plan Ref Tranby-EX3
When plotted A1	Date 03/03/20

Roof Plan



Front Elevation



Side Elevatiuon



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site within the 'New University Campus Phase 1 Indicative Boundary'. The site is in flood zone 1 (low risk of flooding).

PROPOSAL

1.4 The application is a reserved matters application submitted to satisfy condition 2 of 20/01270/FUL to agree reserved matters (appearance, landscaping, layout and scale) for the erection of a new children's nursery at the University of York's Campus East. The nursery would replace the existing smaller 30 place nursery on Campus West which is coming to the end of its life, being of modular construction. The proposed nursery would accommodate a maximum of 103 pre-school age children (age 0-4) and an additional 44 children in a crèche (up to age 10) at any one time (with up to five crèche sessions per day); ie. 147 children at one time within the nursery. The maximum number of staff would be 38 at one time. The nursery would provide for the childcare needs of staff and students as well as local communities.

1.5 The new nursery would have a footprint of 1,100 sqm gross floorspace in a single storey level access building. There would be c800 sqm external play space. The building would be constructed from buff brick and sections of louvered panels with a series of pitched, zinc standing seam covered roofs with rooflights. Full height windows and doors are proposed for the north and south elevations with glazed canopies and timber louvered screens providing undercover play space in inclement weather. Revised plans show a naturalistic planting scheme beyond the immediate free-flow external spaces as a wilderness play space for use by the nursery.

1.6 The proposals would include earthworks to create a level platform within the site with the fill from the levelling banked to the south to create a steep planted buffer to Kimberlow Lane. Revised plans show that the woodland to the north now remains intact.

1.7 Thirty vehicle drop-off spaces for visitors would be provided immediately west of the building from a new spur off the existing roundabout on Kimberlow Lane with Lakeside Way. There would be 13 secure undercover cycle parking spaces for staff in a building also accommodating refuse storage to the rear of the site. Eight Sheffield stands providing 16 cycle parking spaces for drops will be by the entrance.

RELEVANT PLANNING HISTORY

1.8 Outline planning permission for the erection of a campus at Heslington East was granted by the Secretary of State in 2007 (04/01700/OUT). All matters of detail other than the means of access, were reserved for subsequent approval. In 2008

outline planning permission was granted to vary the plans condition of the 2007 planning permission (08/00005/OUT) and all of the remaining planning conditions were carried over to the new permission which was subsequently implemented. In 2015, a further new outline consent was granted 15/02923/OUT, which has most recently been updated again with a further outline planning permission being granted which carried over the previous conditions on 16 September 2020 (ref. 20/01270/OUT). There are a number of relevant conditions attached to this consent:

- Condition 2 – requirement for reserved matters approval for the siting, design, external appearance of buildings and landscaping;
- Condition 4 - development to be in accordance with Plan C(i) and the development footprint within the allocated area to not exceed 23% of that area.
- Condition 5 – restriction to University Uses, including ancillary uses.
- Condition 6 – Requirement for an annual traffic survey of traffic travelling to and from the University through three principal junctions.
- Condition 7 – All reserved matters applications for buildings over 500sqm floorspace to be accompanied by a comparison of predicted traffic flows related to the University. If the surveys indicate an increase in traffic at the three junctions of more than 5% then mitigation measures to reduce actual traffic flows to the predicted levels are required.
- Condition 9 – restricts the maximum parking spaces to 1500 total.
- Condition 11 – requires reserved matters to be submitted in accordance with an approved design brief and masterplan.
- Condition 12 – requires reserved matters applications to be submitted in accordance with an approved Landscape Design Brief.

1.9 AOD/18/00196 Condition 11 of 15/02923/OUT was approved on 19.10.2018 to vary the masterplan and subsequently this is the latest version.

2.0 POLICY CONTEXT

2.1 Allocations:

Publication Draft Local Plan (2018)

Existing University Campus

Existing Open Space
Public footpath on eastern site boundary
Flood zone 1 (low risk of flooding)

2.2 Policies:

City of York Local Plan Publication Draft (2018)

ED1 University of York
ED3 Campus East
HW4 Childcare Provision
D2 Landscape and Setting
G13 Green Infrastructure Network
G14 Trees and Hedgerows
G15 Protection of Open Space and Playing Fields
CC1 Renewable Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development

City of York Draft Local Plan adopted for Development Control Purposes (2005)

GP1 Design
GP7 Open Space
NE1 Trees, Woodlands and Hedgerows
C7 Children's Nurseries

Heslington Parish Neighbourhood Plan Submission Version (September 2019)

HES: 14 Green infrastructure
HES: 19 University of York

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Landscape)

3.1 Kimberlow Hill presents an identifiable rise in topography resulting from the underlying York glacial moraine, a distinct feature of local geological significance lying within the generally flat Vale of York. The combination of the hill, the vegetation upon it, the openness and absence of built development on its higher gradients plus

views from it in all directions provide a distinct sense of place in this locality. This landscape also provides a setting for the new university campus which emerges from its lower slopes and extends across the flat vale.

3.2 Kimberlow Hill is an important piece of green infrastructure; it is accessible to the public and this one of the public benefits of the campus development. The vast majority of the land to the north of the service road retains the integrity of Kimberlow Hill. This is threatened by incremental changes to the original design concept and the proposed nursery results in further incremental erosion of the green infrastructure and integrity of Kimberlow Hill, and Diamond Wood, and the setting of Campus East, which have already been compromised by recent developments. Any development within this approximate location should be accommodated without further harm to the existing landscape framework. The proposed development does not achieve this basic requirement. The principle of development in this location is objected due to the substantial harm to the completeness of the landscape. If the nursery is to be supported, it should be at the forfeit of the car park to the west that is allocated within the approved masterplan so as not to result in further erosion of this valuable and otherwise clearly defined piece of green infrastructure.

3.3 Providing further comment on the revised plans and detailed landscape scheme, the officer welcomes the confirmation that the hedgerow and woodland now appear to remain intact. The native planting, new hedgerows and gapping up of the boundary to the PRoW are supported. Generally the landscaping proposals are supported although some improvements are proposed. Should the application be approved despite the strong objection to the principle of the development in this location, two conditions are advised to agree landscape details and to provide an arboricultural method statement to protect the surrounding trees during construction.

Design, Conservation and Sustainable Development (Archaeology)

3.4 Previous excavation of parts of the site revealed significant prehistoric and Romano-British archaeological features and deposits and there is a high probability of Roman and medieval archaeology existing across the whole site at shallow depths. The site lies within Area A3 identified in the 2007 Archaeological Remains Management Plan. No objections to the extension of the site boundary to include the earth mounds but if there is excavation into subsoil or removal of topsoil in this area then this area should also be monitored. A strip, map and record with further excavation where required prior to development commencing and this can be secured by condition on any approval.

Childcare Strategy

3.5 Early Years and Childcare Service advise that whilst there is currently sufficient nursery provision in this area they are aware of possible housing developments planned which could increase demand by 35 places. Existing providers in the area should not be adversely affected by the development and in this instance, the university should evidence the need for the additional places supported by a business plan to minimise impact on the financial viability of nearby good quality settings. The Covid-19 pandemic is likely to impact on the childcare market for both the short and longer term. Any new provision should not have further detrimental impact on existing provision.

Highways Network Management

3.6 Highways Network Management have reviewed both the Transport Statement and subsequent Addendum submitted. Whilst the applicant has advised that staff trip rates and parking requirements have been based on the University of York Prediction Model, underlining the range of sustainable means of travel to the site and the 2019 Traffic Survey data (2020 data not available), the methodology is not agreed by officers. This is because the traffic generation and parking requirements for a pre-school nursery of this size and in this location were not considered at the outline stage and based on experience elsewhere, are significant generators of traffic. The nearest access to the adopted highway network is on the junction with Hull Road in the vicinity of the Park & Ride and the impact on traffic of this section of the network from drop-offs / pick-ups during peak hours needs to be considered along with other potential junctions. The site's proximity to the A64 and the need for Park & Ride buses to function efficiently is important. Whilst the applicant has included additional staff trips in calculations during peak hours, all trips generated by parents/carers dropping off children/collecting children during these peak hours has been netted off as linked trips for university staff and students or as trips already on the network. This is not considered a reasonable assumption by officers due to the remote location within the campus and accessibility of the nursery to the wider residential population. There are concerns that there will be significantly increased traffic on the key junctions around the site and officers advise the application should be deferred as they do not have sufficient information to assess the impact of this development on the highway.

3.7 Applying CYC parking standards to the nursery, the anticipated staff car parking is above that forecast by the applicant, whereas the visitor (drop-off) parking

within the site is an overprovision. Cycle parking for staff and visitors is also considered a substantial under provision; 25 spaces for staff and 16 visitor spaces should be provided when applying CYC standards.

Flood Risk Management

3.8 Referencing the Heslington East Campus Indicative Strategic Surface Water Drainage Plan, (SuDS Strategy) 70072/107 Revision D dated 15th July 2008 by Fairhurst which was approved under the 08/02543/REMM application, Flood Risk Management advise that the site is outside the area of development designed to be discharged to the strategic central lake and they do not support the proposed location for the nursery. The areas to the north of Kimberlow Lane were in drainage terms designated as landscaped areas and as such were not included in the strategic central lake design. If however permission is granted, then the scheme will require its own site specific attenuated surface water drainage system with a restricted discharge of 1.4 l/sec/hectare and must not be connected unrestricted to the central lake. This can be agreed by condition.

Public Protection

3.9 The submitted noise assessment assesses the existing noise levels at the site and nearest residential properties and provides recommendations on plant/machinery noise limits and mitigation measures to be installed at the nursery to ensure adequate internal noise levels is accepted. Conditions are advised to secure the attenuation measures, for a Construction Environmental Management Plan (CEMP) and for construction hours. Land contamination assessments, and where appropriate, remediation, are also advised to be secured by condition. Provision of electric vehicle recharging points is advised.

EXTERNAL

Heslington Parish Council

3.10 The Parish Council request that a condition be attached to any approval to prohibit access (except emergency services) from Field Lane along Kimberlow Lane. The car parking should be for dropping off / picking up only. The Public Inquiry specifically granted permission for the development for University use only and associated research.

Yorkshire Water Services

3.11 YWS note from the submitted FRA that surface water will drain to the existing sustainable drainage system that serves the wider site; given this, they have no further comment to make.

Ouse and Derwent Internal Drainage Board

3.12 The Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. Noting that the applicant is proposing to discharge into the University's lake system, providing this area falls within the catchment area previously agreed under planning permission 08/02543/REMM for the construction of the lake, when discharge rates were agreed, then providing it is within the catchment, the Board has no further comments. If this is not correct, then the Board wish to be reconsulted.

4.0 REPRESENTATIONS

4.1 No comments received.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues are considered to be:

- Principle of development
- Landscape
- Ecology
- Archaeology
- Design
- Highways
- Drainage

PLANNING CONTEXT

The National Planning Policy Framework (February 2019) (NPPF)

5.2 The revised National Planning Policy Framework was republished with very minor modifications in February 2019 (NPPF) and its planning policies are material

to the determination of planning applications. It is a material consideration in the determination of this application.

5.3 The NPPF sets out the Government's overarching planning policies. Planning should contribute to achieving sustainable development which comprises of economic, social and environmental objectives. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

5.4 Section 6 supports the expansion of businesses. Significant weight should be placed on the need to support economic growth. Section 8 on healthy and safe communities promotes development which encourages social interaction. This may be through mixed use developments and street layouts which allow easy connections and have active street frontages. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Existing open space should not be built on unless an assessment has been undertaken which shows the open space to be surplus to requirements or equivalent or better provision in a suitable location is provided.

5.5 Section 9 promotes sustainable transport modes. Section 12 requires development to function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history including the landscape setting, establishing a strong sense of place. Permission should be refused for development of poor design.

5.6 Section 15 sets policies for conserving the natural environment. This includes protecting valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits of trees and woodland.

York Local Plan Publication Draft (February 2018)

5.7 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with

paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.8 The policies map allocates the site as within the University Campus but as 'existing open space'. It is not Green Belt land.

5.9 Policy ED1 'University of York' supports a mix of uses on campus including academic and teaching uses, housing for staff and students, sports and social facilities ancillary to higher education and other ancillary uses to the university. Policy ED3: 'Campus East' sets development parameters including a restriction of the developed footprint (buildings, car parking and access roads) of not more than 23% of the 65ha area allocated for development, a maximum of 1,500 parking spaces, and the maintenance of a parkland setting.

5.10 Policy HW4 'Childcare provision' supports development which meets the city's needs. Proposals which fail to protect existing childcare facilities will be refused. Any new facilities should be in accessible locations and easily accessible by public transport, walking and by bicycle.

5.11 Policy D2 'Landscape and Setting' requires development to conserve and enhance landscape quality and character and the public's enjoyment of it. Proposals should enhance public use and enjoyment of existing open spaces, recognising the significance of landscape features such as topography, trees and hedgerows.

5.12 Policy G13 states that green corridors and open spaces should be maintained and enhanced whilst protecting and enhancing the amenity and experience of existing rights of way and open access land. Policy G14 requires development to recognise the value of existing tree cover and hedgerows and their biodiversity value. G15 'Protection of open space' explains that development proposals will not be permitted which would harm the character of, or lead to the loss of open space, of environmental or recreational importance unless it can be satisfactorily replaced

in the area of benefit in terms of quality, quantity and access with an equal or better standard than that which would be lost.

5.13 Policy CC1 requires new buildings to achieve a reasonable reduction in carbon emissions of at least 28% through the provisions of renewable technologies or through energy efficiency measures. Policy CC2 requires developments to demonstrate high standards of sustainable design and construction, energy and carbon dioxide savings. All new non-residential buildings should achieve BREEAM 'excellent'.

Development Control Local Plan incorporating the 4th set of changes (2005)

5.14 The DCLP was approved for development control purposes in April 2005. 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 as revised in July 2018, although the weight that can be afforded to them is very limited.

5.15 The draft proposals map shows half of the site as Open Space (Policy GP7) and the lower half as New University Campus Phase 1 Indicative Boundaries (Policy ED9). The following policies carry some limited weight:

- GP1 Design: development should be of a layout, scale, mass and design compatible with the character of the area. It should avoid the loss of open spaces and important gaps within development, vegetation and other features that contribute to the quality of the local environment. Urban spaces, public views and rural setting should be retained and enhanced where it makes a significant contribution to the character of the area.
- GP7 Open space: Development will only be permitted where there would be no detrimental effect on local amenity or nature conservation and compensatory provision of an equivalent size and standard is provided in the immediate vicinity.
- NE1 protects trees, woodlands and hedgerows. Developments should make proper provision for the planting of new trees and other vegetation.
- C7 supports development of children's nurseries where they are of an appropriate size with external play space, there they protect neighbour amenity and are well served by sustainable modes of travel.

5.16 The HPNP Submission Version was consulted upon for 6 weeks from 30th October 2019. Referencing paragraph 48 in the NPPF, at this time relevant draft policies therefore carry only limited weight.

5.17 The draft policies map identifies the site as within the University Campus but wholly within 'Significant Green Space' identified as 'Campus East Lake and Grounds'. Policy HES:14 'Green infrastructure' supports proposals that can be shown to avoid significant harm to the environment including trees, woods, hedges, grass field margins, flora and fauna and to the significant green spaces. Where significant harm cannot be avoided, it must be adequately mitigated, or as a last resort, compensated for. Kimberlow Hill, with extensive views, is identified as forming an important green open space buffer between Badger Hill, Heslington Village, new housing and Campus East and should comprise simple parkland.

5.18 Policy HES:19 University of York states that development proposals for the campuses will be supported, subject to the green open space 'buffer zones' protecting the landscape settings of Heslington village and Badger Hill remaining undeveloped.

ASSESSMENT

Principle of development

5.19 There is no adopted development plan for this site. The context is provided by the policies of the NPPF 2019, with limited weight attached to the Publication Draft Plan (2018) and emerging Heslington Parish Neighbourhood Plan (2019) and very limited weight to the DCLP 2005.

5.20 Within the Publication Draft Plan 2018, the site is identified as being within the new University Campus (Campus East) but wholly within designated existing open space. This open space designation encircles the new campus and is intended to provide a parkland setting, a visual break between the campus and the local community, as a recreational resource and as mitigation for the development. This open space designation follows the broad masterplan from the outline planning permission in 2008, and its various updates and amendments since and including the latest masterplan document from 2018, approved through AOD/18/00196 Condition 11 of 15/02923/OUT; MAKE Architect's 'Campus East Cluster 4 Design Brief including Masterplan' (dated 19 June 2018).

5.21 This 2018 Masterplan (AOD/18/00196) (section L, p35 in the report) shows the site as within green parkland and with a proposed car park to the west and proposed Cluster 3 development to the south. It confirms the lower two thirds of the

site as being within the 'allocated area for development' but the whole of the site as 'green space including tree and woodland planting'. Land to the west of the proposed nursery building is shown as 'parking outside the principal development areas' and is the only built development north of the service road (Kimberlow Lane). This area is partly within the extended red line boundary of the proposed site, but for which only flattening of the spoil heaps is proposed in this application.

5.22 All allocations and the proposed masterplan identify the site as open space/parkland and therefore the proposed nursery is in direct conflict with these draft policies and 2018 masterplan.

5.23 The nursery use, as a replacement and larger nursery is considered an appropriate use under condition 5 of the 2015 outline permission '(d) uses ancillary to the University', and emerging local plan policies. It is anticipated that a majority of users of the facility would be University staff and students and this will increase as the campus is built out. However some places would also reasonably be given to the wider community and users of the crèche facility, so close to York Sport, would also include those attending the gym, swimming pool and fitness classes unrelated to the University as well as other leisure pastimes.

5.24 Noting the requirements of HW4 'Childcare provision' and advice from colleagues in Childcare, the proposed nursery is both a relocation and extension to meet existing and future demand of the new campus. It is understood that the current nursery has a long waiting list and cannot meet all of the demand. As the campus is continued to be built out, it is reasonable to expect the demand from staff and students to increase. The principle of a nursery of this size to provide childcare on campus is considered reasonable and the applicant is not required to provide further justification.

Landscape assessment

5.25 The first reference for any planning application is the development plan. In this instance, without an adopted plan, reference is made to the relevant policies in the emerging Publication Draft Local Plan (2018) and emerging Neighbourhood Plan (2019) which can be attributed limited weight. The whole application site is identified as 'existing open space' in the former and as 'significant green space' in the latter. Emerging Policy G15 states that the loss of open space will not be permitted unless it can be replaced to an equal or better standard. Policy G13 and G14 similarly protect open space, trees and hedgerows.

5.26 The 2018 approved masterplan for Campus East similarly confirms the proposed site as green space, but also shows the land adjacent as a surface car

park with the upper south facing slopes on Kimberlow Hill reformed to accommodate it.

5.27 The application site is rectangular and comprises an arable field, and land to the west including previous spoil heaps associated with former archaeological investigation. The site sits on the upper sections of the long south-facing slopes of Kimberlow Hill and it is considered an important piece of green infrastructure which continues alongside Field Lane in one direction and links with the wider countryside in the other. It is accessible to the public. Approximately half of the top of Kimberlow Hill has been planted with young woodland. The importance of the site in the landscape is the identifiable rise in topography within the generally flat vale, its geology as a glacial moraine, the absence of built form, its peaceful ambience, its contribution to the parkland setting to the north of the new campus, and green panoramic vistas from the upper slope within the site. There are well trodden informal paths running within the site boundary immediately south of the woodland and extending into the adjacent fields. The PRow to the east of the site extends south to York Sport and the wider campus, and north through the woodland to connect with the Kimberlow Hill parkland, local communities and the Park & Ride site.

5.28 The introduction of the proposed nursery, as built form as well as accommodating up to 148 children at one time will change the ambience of the area from a quiet natural space, free from development and will restrict the views from the upper slopes, particularly those from the informal routes through the site. However the continued build out of the campus to the south will also introduce new activity to the area and the proposals should be seen in this context. Some elevated views will be retained along the PRow but interrupted to the south-west by the nursery and additional planting.

5.29 The proposed nursery requires earthworks to create a level platform with consequential loss of the gentle sloped topography in this location. The revised drawings and show the nursery building and excavations not impacting on the woodland belt to the north. The single storey building is nestled into the slope and remains significantly smaller in scale such that the woodland is retained on the skyline and as a backdrop to the building. A new detailed landscape proposals plan shows a naturalistic planting scheme to the south and east of the nursery building and surrounding the fenced and walled direct external amenity space for the children. This scheme comprises wildflower meadow, gentle undulating topography before the steep drop to the road, swales, native shrub planting and clumps of woodland trees. Landscaping to the car park and front entrance is more ornamental to tie in with the built form and will soften the hard landscaping of parking areas and

the building behind. This scheme is acceptable and no further changes are required following comments from the Landscape architect and applicant's justification.

5.30 Additional hedgerows are proposed to create a new field boundary on the west side of the car park and to the south of the nursery play space. The gaps in the hedgerow alongside the PRow are to be planted with native hedgerow species further helping to screen the proposed nursery building from public views, and with landscape and ecological benefits. A further benefit of the scheme is the levelling of the spoil mounds which sit in contrast to the gentle slopes. This landscape design is supported, will soften the impact of the building on the hill slope and blur the edges between the proposed and existing green infrastructure.

Design

5.31 The proposed pre-school nursery comprises a single storey development with three shallow dual pitched roofs running parallel across the site. It is a maximum of 6m in height to the ridge and provides 1,100 sqm gross floorspace with level access throughout. A shallow pitched canopy across sections of the north and south elevations will provide outside play space in inclement weather or shade in the height of summer. Materials include buff brick and timber panels and louvres, standing seam zinc roofs and full height glazed doors and windows on the external elevations and a fully glazed entrance lobby/circulation space running centrally through the building. Projecting pattern brickwork is proposed for sections of the external elevations and on the boundary walls to add interest and soften the external appearance. There are separate areas for different age groups and both separate and shared external play spaces bounded by brick walls, metal fencing and hedging. The proposed design is supported and will provide a high quality facility, with differing spaces and internal and external areas for the benefit of the nursery children.

5.32 The agent has confirmed that the building will be designed to achieve BREEAM "excellent". The nursery has been designed to incorporate passivhaus principles which has informed the form, layout, percentage of glazing and overall building fabric. The scheme adopts a highly thermally efficient, extremely air-tight envelope with mechanically assisted ventilation to distribute tempered air. As such the building would be comfortable and healthy and have low energy and running costs. The passivehaus design would be particularly welcomed and address the requirements of emerging policies CC1 and CC2.

5.33 The car park will provide accessible car parking drop off spaces and generous widths (3m) to allow for car seats and small children to be lifted out of vehicles. Within the building, door sizes, corridors and accessible WCs will provide for less

able bodied users. A condition can require the provision of 2no. dedicated electric vehicle recharging spaces, most likely to be used by the longer term parking of staff users.

5.34 Overall, the proposed design is supported and responds to the palate of materials elsewhere on campus.

Archaeology

5.35 From previous investigations it is likely that there will be valuable archaeological remains, particularly Roman remains, at shallow depths within the site. However, a strip, map and record with further excavation where required can investigate and record such deposits prior to construction commencing and can be secured by condition.

Drainage

5.36 The original masterplan for the campus intended that the proposed site formed parkland, as such the approved drainage strategy for surface water to be discharged into the lake did not take into account the principle of development of a building(s) in this location. The approved Strategic Surface Water (SuDS Drainage Strategy) - Re: 70072/107 Revision D dated 15th July 2008 by Fairhurst was did not consider surface water discharge from the site. The proposed scheme to discharge unrestricted to the lake is not supported and a site specific drainage scheme needs to be proposed. This can be secured by condition. The outline planning permission includes conditions 19 and 20 on drainage details but in this instance, as the scheme is outside of the previously approved drainage catchment for the lake, additional conditions are advised.

Highways

5.37 Access to the Nursery in a private vehicle from the east is along Kimberlow Lane and the A1079 Hull Road signalled junction to the north of the site or from the west via the central access to the Campus from Field Lane, Badger Hill. An existing roundabout within the campus on Kimberlow Lane would provide access via a new spur into a new 30 space car park. Revisions to proposals state that it is intended that 16 of these spaces would be available for drop-off of children and the remainder for nursery staff car parking.

5.38 The Grimston Bar Park & Ride site is within a short walk (c5 mins) of the proposed nursery. The University Transit System (free campus shuttle buses) operates along Kimberlow Way and would provide opportunity for staff and student

parent/carers to access both campuses following drop-off/collection from the nursery. Assuming that most parents will travel by car to drop off their children, if they are staff or students at campus, they will need to re-park their vehicle either in a longer stay car park to the west on Kimberlow Lane by the Field Lane roundabout or at Campus West after drop-off before continuing on to their destination. As Cluster 3 is built out, further car parks will become available – one being identified immediately to the west of the site, the other south of the Park and Ride. Therefore the opportunity for linked trips will increase, supported by the initiatives in the University wide Travel Plan.

5.39 A network of formal and informal pedestrian routes already exist throughout the West and East Campuses linking to the adjacent PRow, the park and ride site and the parkland to the north. Revised plans now show 8no. Sheffield stands for parking of 16 bicycles at drop off in accordance with CYC parking standards. An undercover staff cycle parking facility for 12no. bicycles locked to Sheffield stands is proposed towards the rear of the site (with bin store).

5.40 Highways Network Management, having assessed the original and revised proposals, express concerns over the volume of additional traffic likely to be generated by the nursery (103 spaces) and crèche (additional 44 spaces at one time in up to five two-hour sessions). Whilst some of the children at the nursery may relocate from the existing nursery, they considered that new customers will be potentially from a much wider catchment due to the site's accessibility by car and also the proximity of the park and ride site. The remote location from Campus West may encourage people to drive closer to their destination following drop-off and re-enter the local highway network. It is agreed with the applicant, that most children will be driven to the nursery, but in contrast it is not therefore also agreed that the only additional traffic will be from staff travelling to the nursery during peak hours and all other vehicle movements associated with the children being dropped off can be netted off.

5.41 Further consideration has thus been given as to whether the proposals can be supported. The existing nursery on Campus West reports being at full capacity and since it was established, the second campus has been partly built out. Clearly there will be an increased demand for spaces from University staff and students and the University have made it clear that a new high quality nursery facility on site is required to attract and retain high calibre academics and other staff members. It is therefore reasonable to expect a high proportion of linked trips, but as there is limited long term car parking nearby and the facility is some distance from Campus West, it is still not agreed that all drop-off movements can simply be discounted from the peak hour flows.

5.42 The outline consent (15/02923/OUT) contained a number of transport related conditions; two of which are particularly pertinent to this application. Condition 6 required annual traffic surveys through three principal junctions, and Condition 7 required that all reserved matters applications submit predicted traffic flows. If the surveys indicate an increase in traffic at the three junctions of more than 5% then mitigation measures to reduced actual traffic flows to the predicted levels are required.

5.43 The latest traffic survey available was from 2019 and that indicated that the actual flows are significantly higher than the mitigation threshold during peak periods for the level of build out of the campus to date. However the applicants advise that whilst the 2019 survey recorded trips significantly over the agreed theoretical threshold at this stage in the build process (43% increase), they are still within the maximum permitted vehicle trip threshold for the full build out of the campus. The applicant's planning statement indicates that spaces at the nursery will be allocated to children of students and staff at the University and affiliated companies, delegates at conferences and other University activities and then if places are still available, to children of local residents. Therefore it is not unreasonable to expect a high level of linked trips and this would increase as the build-out of the Campus continues. The latest information provided by the applicant under separate cover is that approximately 95% of nursery places are for existing staff and students.

5.44 As the forecast trip generations are within the maximum permitted allowance for full build out of the Campus with 356 trips still permitted within the overall limit, and measures are in place via a Travel Plan to encourage more sustainable modes of travel, the conclusion is that the Outline consent's conditions 6 and 7 still control the additional trip generation for the campus as a whole. The measures reported by the University to promote sustainable choices of travel to and within campus developed in their Travel Plan (Condition 8 of the outline permission requires review and agreement of the Travel Plan by the LPA) will help to encourage sustainable travel choices within and between the two campuses. Therefore, whilst it is agreed that the proposals will generate more trips in the peak period than suggested by the applicant, there are mechanisms in place for review and mitigation, and as the Campus continues to develop, so the potential for linked trips and sustainable travel choices increases.

5.45 The University are reviewing its parking provision across its whole estate. All future proposals (e.g. cluster 3 and/or a car park) will be subject to reserved matters applications and would need to be considered by the Council on their individual merits at the time, and this would include forecast traffic generation. Should the Travel Surveys continue to demonstrate an increase in vehicle movements beyond

permitted increase, then the Outline consent conditions will require mitigation to be implemented and a control on any further build out.

5.46 The number of drop off spaces being 16 of the 30 spaces is considered reasonable and acceptable and can be secured by condition. The remainder will be available for staff car parking and two of these can be identified for dedicated electric vehicle recharging. Additional staff vehicles can be parked elsewhere on campus and staff walk or take the shuttle bus to the nursery. Whilst staff cycle parking facilities are below CYC minimum parking standards, they have been informed by University surveys of travel modes and can be increased if required through review of Travel Plans. The applicant has advised they will provide more spaces should they be required but are confident in their assessment of need from the surveys and will not provide additional places through this application. Further evidence has been provided on service vehicle size (private contractor vehicles of 6.3m length by 2.0m wide) and these align with the submitted swept path diagrams. Therefore in terms of parking provision and service vehicle movements, the proposals are considered acceptable.

Ecology

5.47 The submitted ecology report confirms that there are no ecological concerns relating to the development and this is accepted. The report includes recommendations for ecological enhancement and this would be supported including bat / bird boxes, gapping up the hedgerow and a wildflower meadow area. This could be agreed by condition. Protection of woodland and suitable fencing to protect badgers/hedgehogs during construction could also be conditioned.

Other Material Factors

5.48 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The application is not in accordance with draft or emerging development plans due to the principle of the development on designated open space / parkland and thus consideration is given to other material factors in the planning balance. The applicant has set out the justification for the nursery in this location as follows:

- The approved masterplan and outline consent were always intended to be indicative and provide a strategic framework for future development and should be able to adapt and evolve over time. Historically the form of development has not been strictly in accordance with the parameters set by the masterplan, which is now twelve years old. The site is within the 65ha site allocated for development.

- The principle of reforming a section of the higher slopes of Kimberlow Hill for a car park as shown in the masterplan has already established the principle of cutting into the hill in this location. The landscaping proposed will limit the visibility of the nursery.
- There is a pressing need for additional nursery places on the University Campus due to the existing over-demand plus the University expansion and the poor quality of the existing pre-fabricated nursery building at Campus West, which is coming to the end of its life and has a number of problems including lack of space, lack of facilities, problems of overheating/cooling and inadequate drop-off facilities. Concerns have been raised by Ofsted on the condition of the building and with consequential potential impact on funding through loss of revenue if the nursery's 'good' rating is not maintained.
- The existing nursery site is not favoured for the new facility due to the need to maintain operation of the nursery during the construction of the replacement building. It is a small site surrounded by trees within the Grade II listed parkland.
- Alternative sites have been assessed and discounted. Campus West is near its 23% footprint restriction for buildings and car parks. Alternative sites were too small, located in the Green Belt, could not accommodate traffic or considered inappropriate visually.
- The need for a high quality nursery to provide childcare for staff and students is seen as a key driver in attracting the highest calibre staff and students from a variety of backgrounds. In turn, this supports the University's reputation and desirability as a first class place to study and thus its continued role as a major employer and of its economic contribution to the city.
- The proposed nursery site does relate to the car park 'jellybean' on the approved plan C(i) north of Kimberlow Lane and which also included reprofiling of the hillside. The site is within the 'allocated area of development'.
- The nursery cannot be located within the undeveloped Cluster 3 area because the University need to maximise development potential through building to maximum heights as permitted on the approved plans whilst not exceeding the 23% developed footprint. Campus East is intended to be car free with cars restricted to the periphery. As the children will need to be dropped off by parents close to the entrance, the nursery cannot be within the central park of the campus.

- The impact of the proposal on the recreational value of Campus East is negligible with the application site forming just 1.5% of the total campus area. The campus is large enough to allow public recreation and amenity in other spaces. The PRow and other amenity routes around the site remain unaffected.
- The site's location close to the sports village provides further education synergies and support for healthy lifestyles for parents with the short term crèche facility.
- A nursery adjacent to teaching accommodation is not considered to be compatible with the latter built at much higher density resulting in overshadowing and overlooking of children's play areas. The proposed site will not be overlooked.
- The site has no close neighbours so noise from children's play would not be inhibited.
- The site is in a sustainable location, easily accessible by bicycle and is not expected to generate many additional vehicle trips during peak hours.
- Wider benefits of the proposals include removal of the archaeological spoil heaps and gapping up of the hedgerow alongside the PRow to improve integration with the landscape.

6.0 CONCLUSION

6.1 The application is for a new (replacement and enlarged) pre-school nursery and crèche in a new single storey building at The University of York's Campus East. It is accepted that there are no other suitable sites for the nursery which would not compromise the University's objectives nor the build out of the masterplan area. As all other factors; design, access, sustainability, suitable drainage etc are supportable, in the planning balance the harm identified to the parkland landscape is outweighed by the urgent need and lack of suitable alternative location. Planning law requires that applications are determined in accordance with the development plan, unless material considerations indicate otherwise. As York does not have an adopted development plan, those emerging policies which identify the site as open space carry limited weight. There are compelling reasons put forward by the applicant and as such, considering all issues in the planning balance, the application is recommended for approval.

7.0 RECOMMENDATION: Approve

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

Location plan, P106 rev C, received 12.10.2020
Proposed masterplan, P110 rev H, received 12.10.2020
Proposed site plan, P111 rev J, received 06.11.2020
Proposed ground floor site plan, P210 rev J, received 12.10.2020
Proposed ground floor plan, P200 rev D, received 09.06.2020
Proposed elevations sheet 1, P245 rev C, received 09.06.2020
Proposed elevations sheet 2, P246 rev B, received 09.06.2020
Proposed roof plan, P220 rev D, received 09.06.2020
Proposed site elevations sheet 1, P240 rev C, received 12.10.2020
Proposed site elevations sheet 2, P241 rev D, received 12.10.2020
Proposed long site section, P300 rev D, received 12.10.2020
Proposed building sections, P320, rev A, received 13.03.2020
Proposed building sections, P321 rev A, received 13.03.2020

Render view 1, P700 rev A, received 13.03.2020
Render view 2, P701 rev A, received 13.03.2020
Landscape proposals LL01 rev A, received 12.10.2020
Proposed site plan boundary conditions, P115 rev C, received 12.10.2020
Proposed bike/bin store plan, P330 rev B, received 09.06.2020
Drainage Strategy Sheet 1 of 2, 92001-P01, received 13.03.2020
External lighting philosophy layout, UYN-WSP-00-GF-DR-E-630301, rev P01, received 13.03.2020
External lighting layout, UYN-WSP-00-GF-DR-E-630302, rev P01, received 13.03.2020

Smeeden Foreman's Landscape Setting SF 3040, rev A, August 2020
Smeeden Foreman's Preliminary ecological appraisal SF 2974 September 2019
ADT Environmental Noise Impact Assessment 2942/ENIA 14.01.2020
YAT Desk based assessment, 09.02.2020
Design and Access Statement, received 13.03.2020

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

2 Within three months of the commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority for approval in

writing. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes. It will also include tree planting details including ground preparation, soil volumes, means of support, protection, and watering. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme as approved shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

3 Prior to the commencement of development, a complete and detailed Arboricultural Method Statement regarding protection measures for the existing trees and hedgerows shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing shown on a tree protection plan, a schedule of tree works if applicable, site rules and prohibitions, phasing of works, locations and means of installing utilities, and the location of a site compound. A copy of the document will be available for reference and inspection on site at all times. The development shall be carried out with the approved Arboricultural Method Statement.

Reason: To protect existing trees and hedgerows that are considered to make a significant contribution to the amenity of this area and / or the development.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any part of the building above foundation level. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

5 Prior to first occupation of the development, all boundaries shall have been installed in accordance with approved drawings 'Proposed site plan boundary conditions' (20396_P155 rev C) and 'Landscape proposals' (LL01 Rev A).

Reason: So as to achieve a visually cohesive appearance.

6 A programme of post-determination archaeological mitigation, specifically an archaeological strip, map and record is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before any site preparation and construction works can commence.

A) No groundworks or site stripping shall take place outside of the areas already archaeologically excavated, until a written scheme of investigation (WSI) for a strip, map and record with excavation where appropriate has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results together with archive deposit. This part of the condition shall not be agreed until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence for publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of the National Planning Policy Framework.

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

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

Reason: In the interest of satisfactory and sustainable drainage.

8 Prior to the commencement of development, (other than the archaeological investigations and recording) details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage shall be provided in accordance with these approved details prior to first occupancy.

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

9 Unless otherwise first approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

10 Prior to the nursery coming into first use, all sound attenuation measures detailed in the noise assessment supplied being ADT's Noise Assessment ref ADT/2942 dated 14/1/20 shall be fully implemented. Thereafter they shall be maintained as such, or replaced with suitable other measures as necessary to achieve the same sound reduction for the lifetime of the development.

Reason: To protect the amenity of neighbours.

11 Prior to development commencing and in conjunction with the archaeological assessment, an investigation and risk assessment must be undertaken to assess the nature and extent of any potential land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the Local Planning Authority prior to development commencing. 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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.

12 Prior to development commencing and subject to the outcome of the investigation for the presence of any land contamination, if required, 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 submitted to the local planning authority and approved in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

13 Should remediation be required, the approved land remediation scheme must be carried out in accordance with the necessary timescales and its terms. A verification report that demonstrates the effectiveness of the remediation carried out must be produced for approval in writing by the Local Planning Authority prior to first occupation of the development hereby approved.

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

14 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

15 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. This shall include the retention of a minimum of 16no. parking spaces within the site for exclusive use by parents/carers of the nursery / creche as drop off spaces and not at any time for long term parking (defined as more than 30 minutes). A sign shall be erected on site displaying this information.

Reason: In the interests of highway safety.

16 Within 6 months of first occupation of the development a site specific travel plan shall be submitted to the council for approval in writing. The development shall subsequently be occupied in accordance with the aims, measures and outcomes of the travel plan as approved in writing by the local planning authority.

Reason: To ensure that the development complies with national and local transportation guidance and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site together with parking on site for these users. As the nursery may be operated independently to the University, this will ensure compliance with sustainability objectives.

17 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities on the woodland and hedgerows surrounding the site.
- b) Use of directional lighting during construction and operation, which will not shine upon the site boundaries, hedgerows or trees within the site.
- c) The location of all storage of materials and parking and manoeuvring of vehicles during works.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect habitats of ecological value being the surrounding woodland and

hedgerows during construction.

18 Details of the reduction in carbon emissions for the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building above foundation level. The development shall be carried out in accordance with these approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

19 Prior to first occupation of the development 2no. Electric Vehicle Recharging Points shall be provided in a position and to a specification previously agreed in writing by the local planning authority and shall be maintained and kept in good working order thereafter as specified by the manufacturer. All charging points shall be located in a prominent position on the site and shall be for the exclusive use of zero emission vehicles.

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

Notes:

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council. The location of charging points should be identified by parking bay marking and signage. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

8.0 INFORMATIVES: Notes to Applicant

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

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

Requested submission of further information on highways impact

Requested clarification of the proposals and any impact on the woodland to the north

Agreed landscape revisions

Agreed drainage details would be agreed via condition as requested

Agreed pre-commencement of development conditions

2. DEVELOPMENT INFORMATIVE:

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

3. INFORMATIVE: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

To be in accordance with condition 14 of 20/01270/OUT a site specific CEMP should be submitted to and approved in writing by the local planning authority prior to development commencing.

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).

With respect to dust mitigation, 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. 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/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

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

In addition to the above the CEMP should provide a complaints procedure, so that in

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

4. DRAINAGE DETAILS - DESIGN CONSIDERATIONS

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided (i.e. witnessed by CYC infiltration tests to BRE Digest 365) to discount the use of SuD's.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018), peak run-off from brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas are not proven then greenfield sites are to limit the discharge rate to the pre-developed run off rate. The pre-development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size) based on the 1 in 1 year event.

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

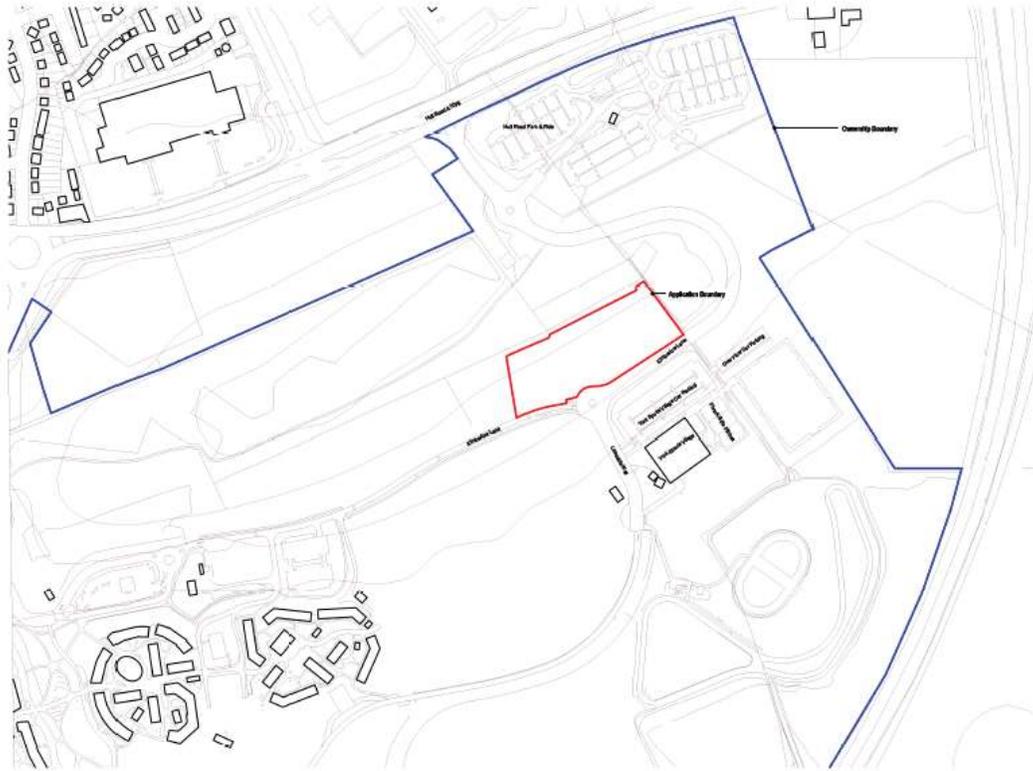
5. BREEDING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

6. INFORMATIVE: MASTERPLAN UPDATE

The previously approved masterplan should be updated to illustrate the location of the nursery through a new approval of details application for condition 11 and 12 of the outline consent.

Land North Of Kimberlow Lane, Heslington, York
20/00532/REMM



- Ownership boundary
- Application boundary

Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	16 November 2020
SLA Number	

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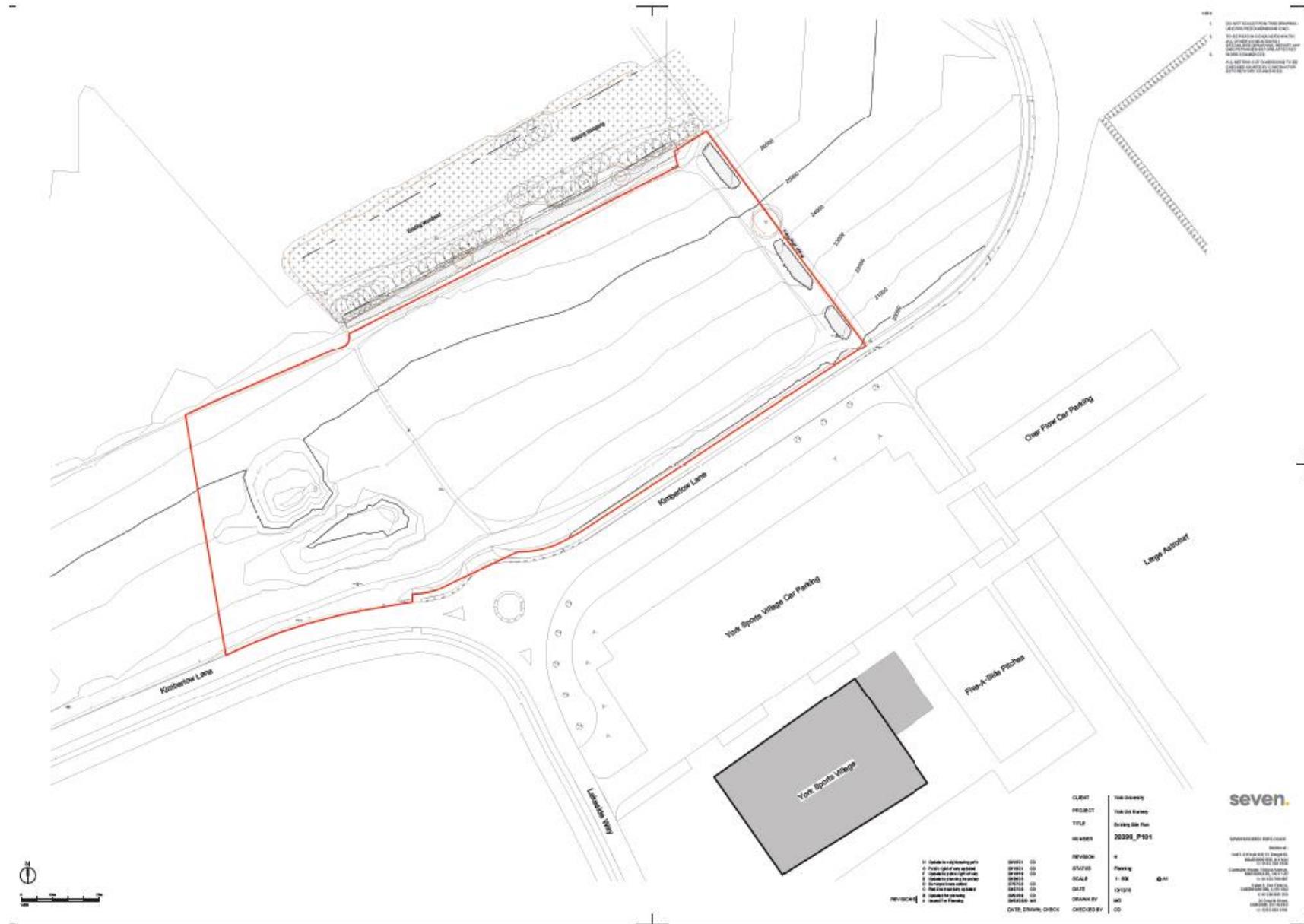


Area Planning Sub-Committee

20/00532/REMM

Land Lying To The North Of Kimberlow Lane Heslington

Existing site plan



From NE corner
Looking towards the
lake



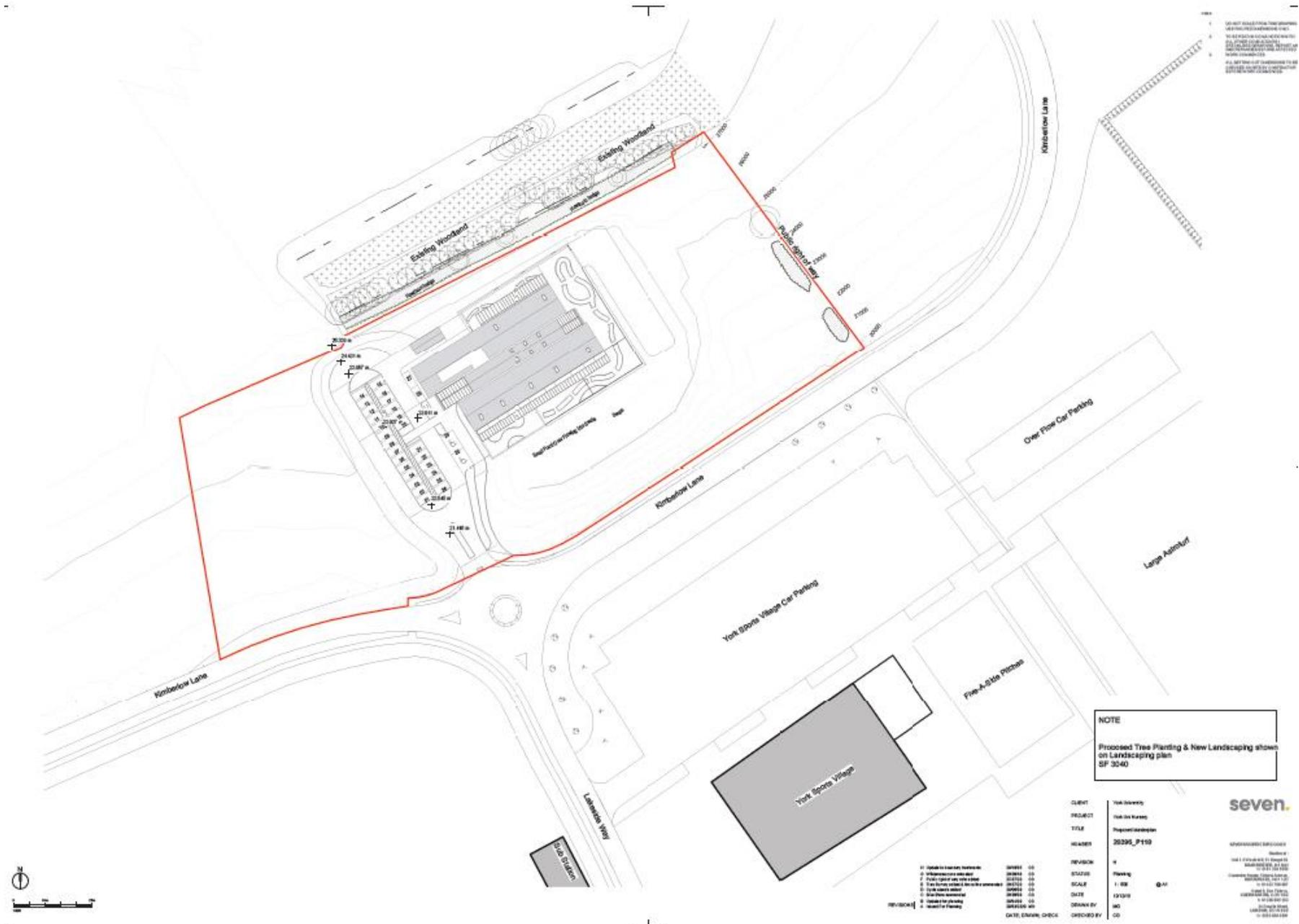
From North West
Corner looking
East



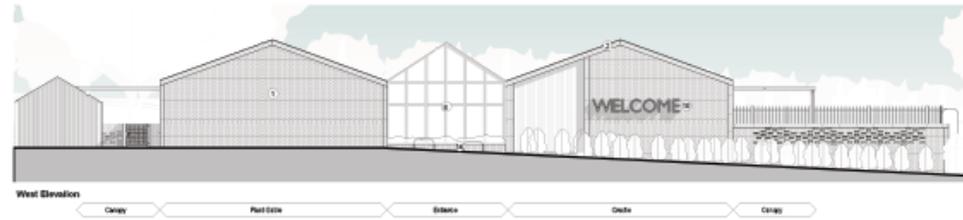
Site from
Kimberlow Lane



Layout plan



South and West Elevations



- 1. ON-SITE SCALE (1:100) DRAWING
- 2. ON-SITE SCALE (1:100) DRAWING
- 3. ON-SITE SCALE (1:100) DRAWING
- 4. ON-SITE SCALE (1:100) DRAWING
- 5. ON-SITE SCALE (1:100) DRAWING



- 1 Brick Work Facade
- 2 Brick Slat Course
- 3 Timber
- 4 Zinc Standing Seam Roof
- 5 Fence Hedge
- 6 Rubber Crumb External Play Floor
- 7 Roof Light
- 8 Glazing
- 9 Laminated Screen
- 10 Signage
- 11 Feature Horizontal Glazing
- 12 Bikes
- 13 Laminated Ply Floor
- 14 Cycle Way off-site



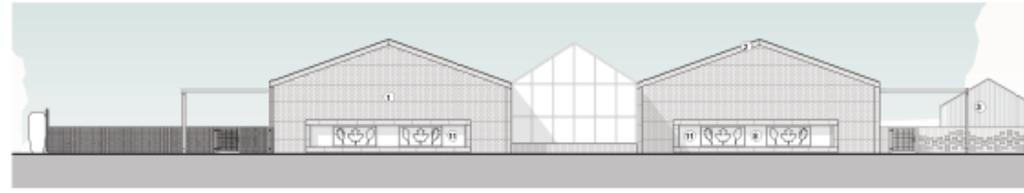
© Seven Seven Seven
 REVISION 1: Initial Design
 REVISION 2: Final Design

DATE: 10/11/20
 DRAWN BY: JMS
 CHECKED BY: JMS

CLIENT: Seven Seven Seven
 PROJECT: Seven Seven Seven
 TITLE: Proposed Toilets and Cycle
 REVISION: 00000_P245
 REVISION: C
 STATUS: Planning
 SCALE: As Shown
 DATE: 10/11/20
 DRAWN BY: JMS
 CHECKED BY: JMS



North and East Elevations



East Elevation



North Elevation



Bike / Bin Store Elevation



- 1 Brick Work Facade
- 2 Brick Sillar Course
- 3 Timber
- 4 Zinc Standing Seam Roof
- 5 Fence Hedge
- 6 Rubber Crumb External Play Floor
- 7 Rooflight
- 8 Glazing
- 9 Louvered Screen
- 10 Signage
- 11 Pedestrian Horizontal Glazing
- 12 Entrance
- 13 Louvered Paint Room



REVISIONS

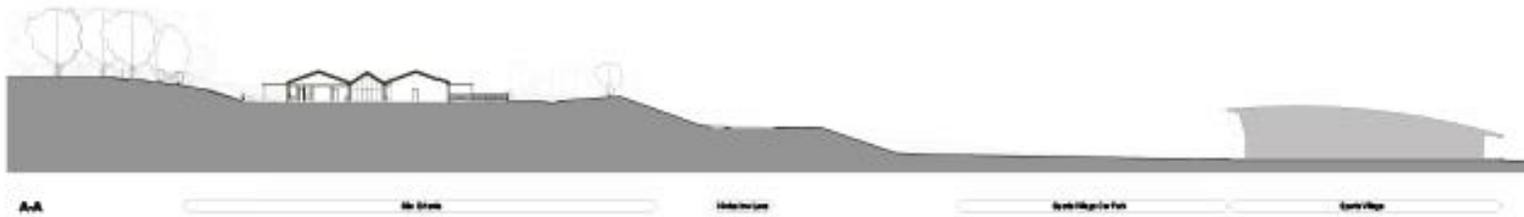
DATE, DRAWN, CHECK

CLIENT: York University
 PROJECT: York U4 Campus
 TITLE: Proposed Trunkers Street 2
 NUMBER: 20204_P240
 REVISION: 0
 STATUS: Planning
 SCALE: As Indicated @ A1
 DATE: 03/05/20
 DRAWN BY: WAO
 CHECKED BY: CO



APPROVED BY: [Signature]
 DATE: 03/05/20
 DRAWN BY: WAO
 CHECKED BY: CO

Site sections



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COMMITTEE REPORT

Date: 25 November 2020 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Clifton Without Parish
Council

Reference: 20/00148/FULM
Application at: The Tile Company Unit 2 Kettlestring Lane York YO30 4XF
For: Erection of eight units for light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8); erection of one unit for the use of motor vehicle repairs or light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8); erection of substation; and associated car parking and landscaping following demolition of Unit 2 Kettlestring Lane and Unit 1 Lysander Close

By: Mr George Cornwall-Legh
Application Type: Major Full Application
Target Date: 2 December 2020
Recommendation: Approve

1.0 PROPOSAL**1.1 The application comprises:**

- Erection of eight units for light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8);
- Erection of one unit (unit 7) for the use of motor vehicle repairs or light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8);
- Erection of a substation (this is included in the development in case an end user requires a capacity in excess of current capacity, the sub-station may not be needed nor implemented);
- Associated car parking, refuse/recycling facilities, cycle storage and landscaping; and
- Demolition of two existing commercial units totalling 1441sqm.

- Closure of two existing vehicular accesses.

1.2 The proposed commercial floorspace would total 2943sqm GIA, comprising:

3 units of 454sqm
1 unit of 390sqm
1 unit of 325sqm
2 units of 293sqm
2 units of 140sqm

1.3 94 car parking spaces would be provided. Of these, 27 would replace existing spaces within the site. 67 would be additional spaces required as a result of the development. 23 of the additional spaces would be made available to unit no 7. Three existing accesses into the site would be retained to serve the new development.

APPLICATION SITE

1.4 A commercial plot of 1.02ha within Clifton Moor Industrial Estate. The site currently has two freestanding commercial units. Both are vacant. Total existing floorspace is 1441sqm GIA. Three of the site's four frontages face the public highway at Kettlestring Lane and Lysander Close. The fourth frontage faces the rear of a kitchen supply shop. The area is predominantly mixed commercial.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) requires local planning authorities to seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 38).

2.2 The Publication Draft Local Plan 2018 (the 'emerging plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the emerging plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.3 Relevant policies of the emerging plan are:

- DP2 Sustainable Development
- DP4 Approach to Development Management
- D1 Placemaking
- D2 Landscape and Setting
- ENV2 Managing Environmental Quality
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- CC1 Renewable and Low Carbon Energy
- CC2 Sustainable Design and Construction

2.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan and its policies carry very limited weight.

3.0 CONSULTATIONS

INTERNAL

Highways Network Management

3.1 The access, site layout, car parking and revised cycle storage are acceptable. Add standard conditions regarding provision of car parking, turning areas, details of cycle storage and submission of a travel plan.

Forward Planning

3.2 Given the advanced stage of the preparation of the emerging plan, the lack of significant objection to the emerging policies relevant to this application and the consistency with the Framework the policy requirements of the relevant emerging plan policies should be applied with moderate weight. The application seeks to provide employment use on a vacant brownfield. The location of the development and the proposed use is supported, subject to the conditioning of the trade counter not exceeding 10% of the net floorspace of the building and demonstration of the carbon reduction/sustainable design and construction measures to be used to meet policy requirements.

Design, Conservation and Sustainable Development (Landscape Architect)

3.3 Most of the trees on the application site, whilst not remarkable, make a positive contribution to the street. The proposed development would result in the loss of several trees that are suitable for retention. Furthermore the significant increase in the footprint of development on the site would prevent the provision of adequate replacement trees/planting. For the building to sit within a reasonably attractive landscape of a suitable scale and nature the main building (units 1-7) should be set much further back from the pavement on Lysander Close so that a line of trees could be comfortably accommodated in front of this long elevation. In order to do this there should be some loss of footprint and/or parking spaces.

Public Protection

3.4 The conclusions of the submitted geo-environmental report requiring further site investigation works are accepted. The investigative works should include gas monitoring. Due to the location of the proposed units not being close to noise sensitive receptors - and that previous uses on the site have been similar - this department has no comments in relation to noise impact. No objection subject to standard conditions regarding land contamination, hours of construction, submission of a construction environmental management plan and electric vehicle recharging.

Flood Risk Management

3.5 Soakaways will not work in this location. The existing connected impermeable areas and connection to public sewer have not been proven therefore the proposed surface water discharge rate of 62.7 litres per second and proposed connection point are not agreed. Although the submitted drainage impact assessment is not acceptable I am content that proper drainage details can be sought by way of conditions if planning permission is to be granted.

EXTERNAL

Clifton Without Parish Council

3.6 No response.

Yorkshire Water

3.7 If planning permission is to be granted, add conditions requiring separate systems of drainage for foul and surface water and submission of drainage details, including 30% attenuation. The developer is proposing to discharge surface water to public sewer. Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

Kyle and Upper Ouse Internal Drainage Board

3.8 If the surface water were to be disposed of via a soakaway system, percolation tests must be undertaken to establish if the ground conditions are suitable for it. If surface water is to be directed to a mains sewer system the water authority must be satisfied that the existing system will accept this additional flow. This should be made a condition of planning permission. If the surface water is to be discharged to any ordinary watercourse within the IDB's district consent from the IDB would be required in addition to planning permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff rate.

4.0 REPRESENTATIONS

4.1 None received.

5.0 APPRAISAL

5.1 MAIN ISSUES

- Principle of the development
- Local economy
- Character and appearance
- Landscaping
- Access and parking
- Impact on surrounding occupiers
- Drainage
- Climate Change

PRINCIPLE OF THE DEVELOPMENT

5.2 The site is in a well-established commercial area. The proposed uses are acceptable in principle subject to other material planning considerations.

5.3 The application specifically seeks approval for a trade counter, ancillary to the proposed storage/distribution use. Extensive trade counter use would reduce the employment floorspace (contrary to policy EC2 of the emerging plan) and could have a detrimental impact on existing centres (contrary to policy EC1 of the emerging plan). To avoid this harm the applicant has accepted a 20% limit on the amount of floorspace to be occupied by the trade counter. Although Forward Planning officers suggest that the trade counter occupy no more than 10% of the total floorspace the council has accepted up to 20% in comparable cases elsewhere. This higher maximum figure should be made a condition of approval.

LOCAL ECONOMY

5.4 The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 80). The proposal would increase the quantity and quality of commercial floorspace to the general benefit of the local economy and support the sustainable development policy DP2 of the emerging plan. The amount of employment that the building would provide will depend on the end use and user, neither of which are known at present because the development is speculative. The applicant estimates (using the Homes & Communities Agency 'Employment Density Guide') that if all the units were occupied by B2 uses (general industry) they would create approximately 82 jobs. Current employment is zero because the existing buildings on the site are vacant. The methodology in the Government's Employment Density Guide would estimate the existing floorspace to provide approximately 40 jobs, if all units were in B2 use.

CHARACTER AND APPEARANCE

5.5 Paragraph 130 of the NPPF states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The scale, design, appearance and external materials (mainly two-tone grey cladding on a blue brick plinth) are in keeping with the character of the area. They comply with policy D1 of the emerging plan and relevant paragraphs in section 12 of the NPPF. A condition should be attached requiring materials to be submitted for approval.

LANDSCAPING

5.6 Policy D2 of the emerging plan encourages and supports proposals that, among other things: (ii) conserve and enhance landscape quality and character; and (v) recognise the significance of landscape features such as mature trees and hedges. The application includes perimeter landscaping which mainly comprises some tree retention, replacement tree planting along the Kettlestring Lane (eastern) frontage, hedge planting, shrubbery and ground cover. Although Clifton Moor is a commercial area the trees and shrubbery across the Clifton Moor estate make a valuable contribution to the amenity of the area and the quality of the commercial environment for occupiers and investors, as do the existing trees and shrubs across the application site. The existing buildings on the application site are set back from the street frontages in such a way that the buildings are seen within a reasonable setting of individual, young-mature trees and shrubbery. The proposals would more than double the development footprint on the site, removing most of the trees and restricting the extent of replacement trees/planting. Furthermore, in order to retain three existing accesses and to provide adequate parking and turning space the new blocks would be located close to the highway boundary at Lysander Close. As a result the strip available for landscaping would be only at 3m-5m wide. It would be sufficient to accommodate five retained maturing trees (2 x cherry, 2 x alder and 1 x

birch), a 1.8m-wide hedge and ground cover but would be too narrow to enable replacement trees of sufficient size and quantity to be provided and to thrive.

ACCESS AND PARKING

5.7 Two existing accesses, i.e. those on the site's northern boundary, would be closed. The other existing accesses, on the west and east boundaries, would be retained. Turning and manoeuvring space for large vehicles would be provided in the centre of the site, as would most of the car parking. The 94 car parking spaces would include six spaces to disability standard, recharging facilities for three electric vehicles and passive provision for three further electric vehicles. All categories comply with LPA requirements. 19 of the car parking spaces would be for the sole use of unit 7 (motor vehicle repairs). 20 secure, covered cycle spaces would be provided. Their number and location comply with LPA standards. Provision of these cycle spaces should be made a condition of planning permission.

IMPACT ON SURROUNDING OCCUPIERS

5.8 Policy ENV2 states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts without effective mitigation. The site is in an industrial/commercial area with no residential dwellings in the vicinity. In order to protect the local environment Public Protection officers are recommending various conditions including submission of a construction environmental management plan (CEMP). Bearing in mind the area's commercial character, the scale of the proposed building, its relatively straightforward construction and/or the safeguards provided by existing public protection legislation, officers consider that submission of a CEMP would, in this case, be inappropriate and unnecessary. The other conditions proposed by Public Protection, namely those relating to land contamination and provision of electric vehicle recharging points are necessary and reasonable.

DRAINAGE

5.9 Paragraph 155 of the NPPF states that in determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Policy ENV4 of the emerging plan states that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in a way that mitigates against flood events.

5.10 The site is in low risk flood zone 1 and should not suffer from river flooding. There is an existing surface and foul water drainage which serves the existing buildings and car parking. There is an adopted Yorkshire Water surface water sewer which crosses the site and would have to be diverted. Soakaways will not work in this location. The schematic drainage layout shows that surface water

would be stored on site in attenuation tanks before being discharged to the existing public sewers at attenuated rates. The existing connected impermeable areas and connection to public sewer have not been proven therefore the proposed surface water discharge rate of 62.7 litres per second and proposed connection point are not agreed. Nevertheless enough information has been submitted to enable proper drainage details to be sought by way of conditions if planning permission were to be granted. The diversion of the public sewer would be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 of the Water Industry Act 1991.

CLIMATE CHANGE

5.11 The submitted planning statement says that energy efficiency measures will be incorporated where possible. Specifically, local low carbon and renewable energy technologies, such as air source heat pumps or solar photovoltaics, will be investigated during technical design and incorporated where feasible. Policy CC1 requires new buildings to achieve a reduction in carbon emissions of at least 28%. This should be achieved through the provision of renewable and low carbon technologies in the locality or through energy efficiency measures. The applicant's intention is to meet the requirements of policy CC1 and has agreed to a planning condition to that effect. To meet the condition the developer has specified a higher thermal performance for the building fabric, the design loading of the structural frame has been enhanced to facilitate the future installation of photovoltaics

5.12 Policy CC2 requires all new non-residential buildings with a floorspace greater than 100sqm to achieve a BREEAM rating of 'excellent'. This is normally secured by a planning condition. The applicant originally submitted a BREEAM pre-assessment report which stated that the development would achieve a rating of 'very good.' The applicant has confirmed that it is their intention to meet the requirements of policy CC2 and BREEAM "Excellent" and has identified the categories where an uplift in the BREEAM score can be achieved, including (in addition to that outlined in 5.11 above) responsible sourcing of construction products, recycled and sustainably sourced materials, security performance against a range of threats.

6.0 CONCLUSION

6.1 The redevelopment would support the local economy by increasing employment floor space on a brownfield site in a sustainable location. The general building form and character are in keeping with the character of the area. The loss of a proportion of the landscaped boundaries of the site is considered to result in some harm to the character and appearance of the area. However in the planning balance it is considered that the benefits of the proposal outweigh this identified harm and that the application complies with national planning policy in the NPPF and relevant policies of the emerging local plan.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

1906 PL 100	Location Plan
1906 PL 102R	Proposed Site Plan
1906 PL 105D	Proposed Ground floor units 1-7
1906 PL 107B	Proposed Roof Plan Units 1-7
1906 PL 108G	Proposed Elevations Units 1-7
1906 PL 120C	Proposed Cycle Storage
1906 PL111B	Proposed Elevations Units 8-9
1906 PL 121A	Perimeter Landscaping Plan
803 2 LA1A	Landscape Plan
803 2 LA2A	Bed Planting Plan

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

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

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

Reason: So as to achieve a visually cohesive appearance.

4 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). Should the development fail to achieve a BREEAM standard of 'excellent' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve 'excellent'. The approved remedial measures shall

then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Publication Draft Local Plan 2018.

5 No above ground works shall take place until details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures when compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L2A of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 of the Publication Draft Local Plan 2018.

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

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

7 Each phase of the development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans. A phasing plan shall be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: In the interests of highway safety.

8 Within 6 months of first occupation of the development a travel plan shall be submitted to the council for approval in writing. The development shall subsequently be occupied in accordance with the aims, measures and outcomes of the travel plan as approved in writing by the local planning authority.

Reason: To ensure that the development complies with national and local transportation guidance and to ensure that adequate provision is made for the

movement of vehicles, pedestrians, cycles and other modes of transport to and from the site together with parking on site for these users.

9 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted to the local planning authority for approval in writing. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

11 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and submitted to the local planning authority for approval in writing.

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.

12 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared and submitted to the local planning authority for approval in writing. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the local planning authority for approval in writing.

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.

13 Prior to first occupation of the development 3 no. electric vehicle recharging points shall be provided in a position and to a specification previously agreed in writing by the local planning authority. The charging points shall be located in a prominent position on the site and shall be for the exclusive use of zero emission vehicles.

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

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

Reason: In the interest of satisfactory and sustainable drainage.

15 Prior to commencement of the development details of foul and surface water drainage, including balancing/attenuation, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: In the interests of sustainable drainage.

16 No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network.

17 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

18 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are approved in writing by the Local Planning Authority.

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

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the local planning authority has implemented the

requirements set out within the National Planning Policy Framework (paragraph 38) and, in seeking solutions to problems identified during the processing of the application, the local planning authority negotiated changes to cycle parking provision and landscaping.

2. DRAINAGE DESIGN CONSIDERATIONS

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal. The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDs.

As SuDs methods have been proven to be unsuitable then, in accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018), and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha during a 1 in 1 year storm event of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

In some instances design flows from minor developments may be so small that the

restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

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

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

3. AINSTY INTERNAL DRAINAGE BOARD

Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board. For further guidance, pre-application advice & consent form visit: www.shiregroup-idbs.gov.uk, and select 'Kyle & Upper Ouse IDB'. For direct enquiries e-mail: planning@shiregroup-idbs.gov.uk. No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without consent from the Internal Drainage Board. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

4. ELECTRIC VEHICLE RECHARGING

Electric vehicle charging points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council. The location of charging points should be identified by parking bay marking and signage. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

5. HIGHWAY WORKS

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - streetworks@york.gov.uk

Contact details:

Case Officer: Kevin O'Connell
Tel No: 01904 552830

Unit 2 Kettlestring Lane York YO30 4XF

20/00148/FULM



Scale : 1:2461

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	16 November 2020
SLA Number	

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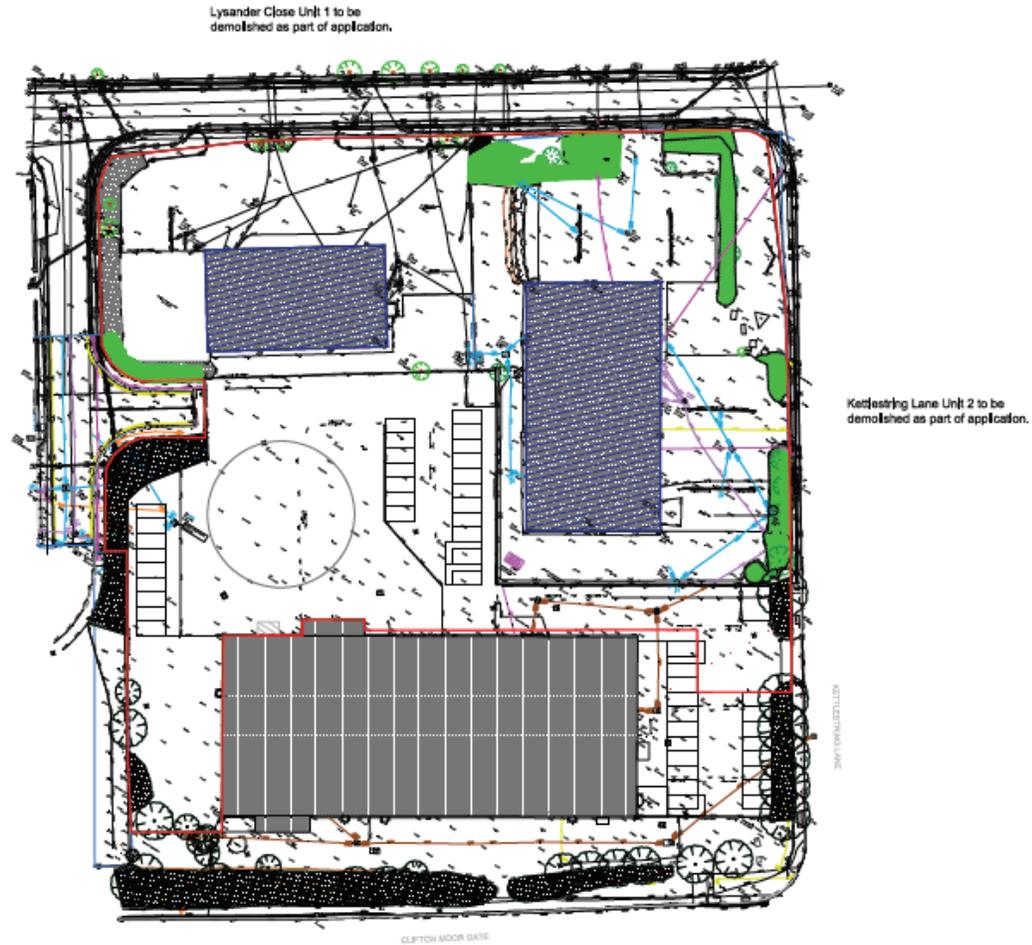


Area Planning Sub-Committee

20/00148/FULM

Unit 2 Kettlestring Lane and Unit 1 Lysander Close

Existing Site Plan



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NO.	DESCRIPTION	DATE	BY
001	Issue	12/01/20	EH
002	Revised	12/01/20	EH

ellis healey
 architecture
 PLANNING

PROJECT: **CLIFTON MOOR GATE**
 1000 PL 1000

DATE: 12/01/20

SCALE: A1: 1:1000

DATE: 12/01/20

BY: EH

PROJECT: **CLIFTON MOOR GATE**

1000 PL 1000

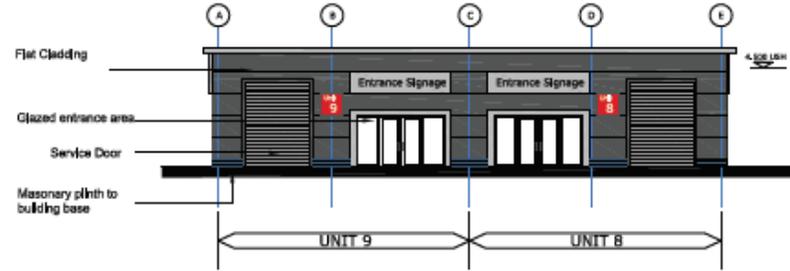
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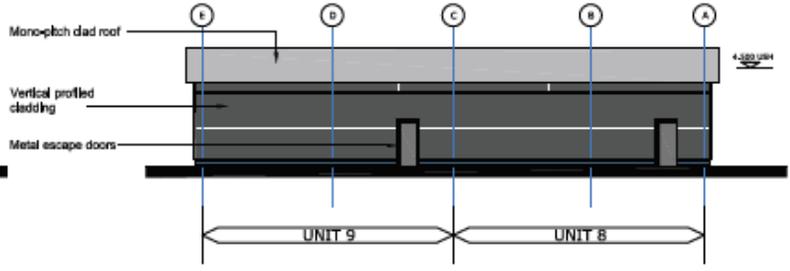
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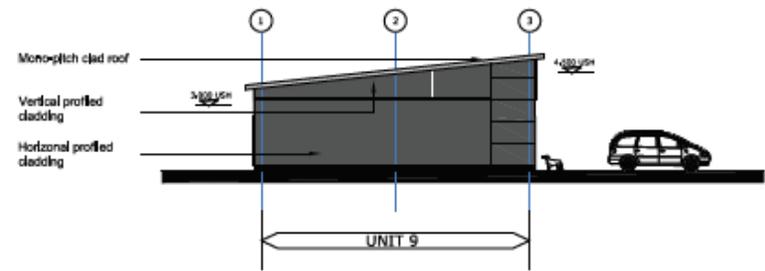
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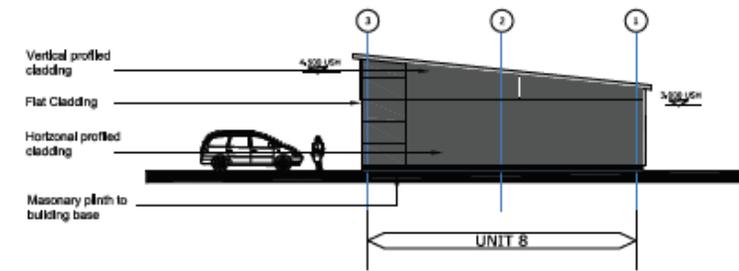
Front Elevation (East)



Rear Elevation (West)



Side Elevation (South)

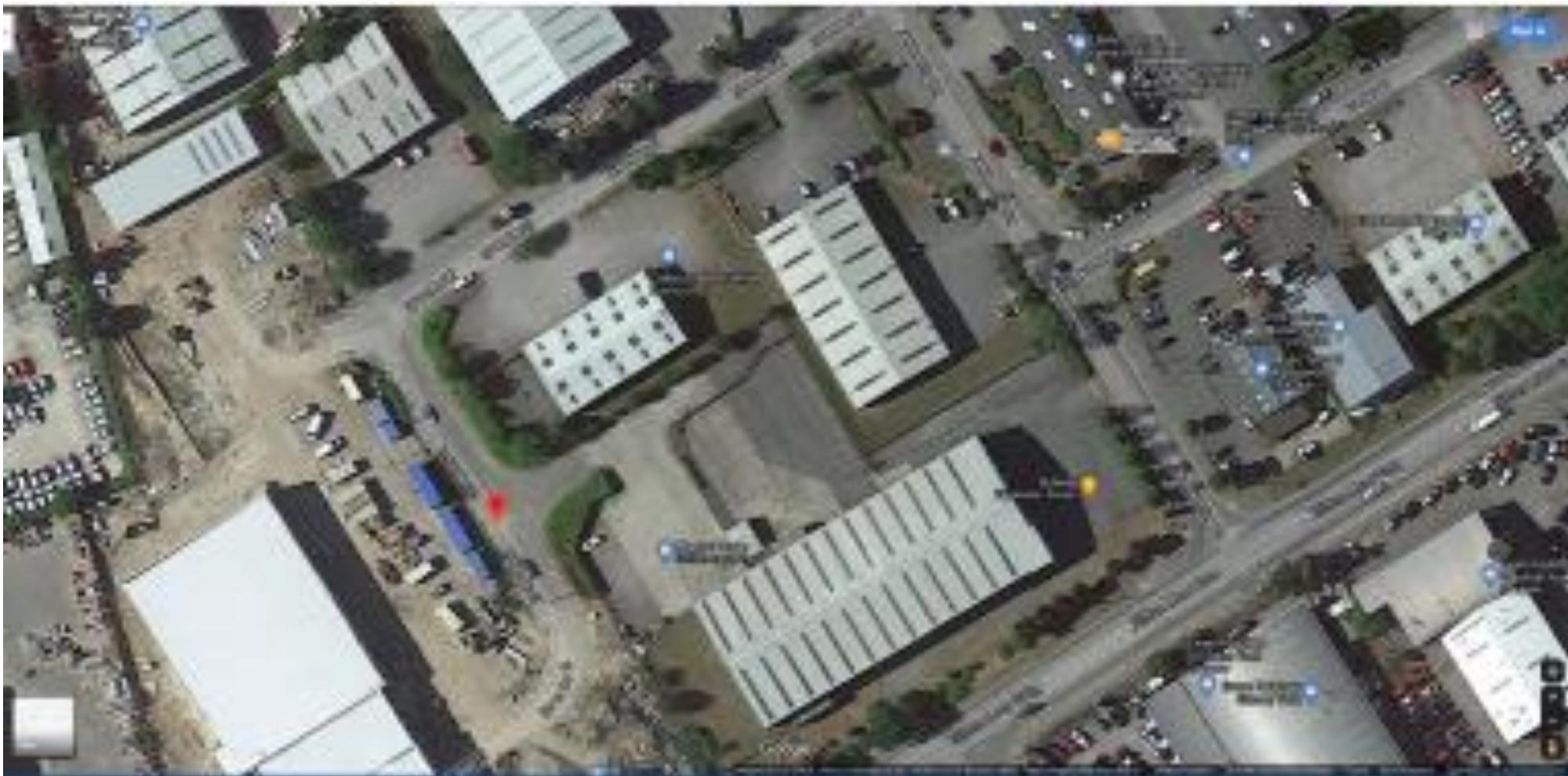


Side Elevation (North)

DATE	REVISION	BY

ellis healey
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 DATE: [illegible]
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“Google” Aerial Photo



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